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Supreme Court of the United States

October Term, 1997

STATE OF MINNESOTA, Minnesota Department of Natural Resources; RODNEY SANDO, Commissioner of Natural Resources; ARNE CARLSON, Governor of Minnesota; RAYMOND B. HITCHCOCK, Assistant Commissioner of Operations, Minnesota Department of Natural Resources,

Petitioners,

v.

MILLE LACS BAND OF CHIPPEWA INDIANS, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

JOINT APPENDIX
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Mille Lacs Band of Indians, et al. v. State of Minnesota, et al. District Court File No. 3-94-CV-1226.

August 13, 1990 – Plaintiffs' Complaint filed.

November 13, 1990 – Defendants' Answer filed.

April 9, 1991 – Order filed bifurcating the case into Phase I (the threshold issues, whether plaintiffs' rights continue to exist, whether they extend to land now or previously in private ownership, and the general nature of such rights); and Phase II (to the extent the above issues are not dispositive of the case, and the Court holds the 1837 Treaty rights continue to exist, further proceedings to determine resource allocation issues and the validity of particular measures to regulate the exercise of such rights).

November 4, 1991 – Defendants-Intervenors Counties' Answers filed.

January 29, 1992 – Order filed reversing the Magistrate Judge's Order granting the Defendants-Intervenors Counties' motion to intervene.

July 21, 1992 – Order filed affirming Magistrate Judge's Order denying Defendants-Intervenors Landowners' motion to intervene.

August 17, 1992 – Defendants-Intervenors Landowners' notice of appeal filed.

April 5, 1993 – Opinion of United States Court of Appeals for the Eighth Circuit issued reversing decisions of the

District Court denying Defendants-Intervenors Counties' and Defendants-Intervenors Landowners' motions to intervene.

April 17, 1993 – Answer by Intervenor-Defendant Landowners.

October 25, 1993 – Order filed granting United States' motion to intervene.

December 17, 1993 – Answer and Counter-claim by Defendant-Intervenor Landowners to Complaint of Plaintiff-Intervenor United States.

December 21, 1993 – Plaintiffs-Intervenor United States' Complaint filed.

December 22, 1993 – Defendants-Intervenors Counties' Answer to Plaintiff-Intervenor United States' Complaint filed.

February 15, 1994 – Plaintiff-Intervenor United States' Answer to Defendants-Intervenors Landowners' Counterclaim filed.

May 13, 1994 – Memorandum Opinion and Order filed granting Plaintiffs' motion for partial summary judgment on miscellaneous defenses, res judicata, collateral estoppel, Indian Claims Commission Act, and failure to join the United States as an indispensable party. Order filed denying Defendants' motion for summary judgment based upon 11th Amendment, failure to join indispensable parties, statute of limitations, and the merits of Phase I. Order filed granting Intervenor-Plaintiff United States' motion to dismiss counter-claims.

June 13 – June 30, 1994 – Trial on Phase I issues held.

August 24, 1994 – Findings of Fact, Conclusions of Law and Order filed declaring and judging that the privilege guaranteed to the Chippewa of hunting and fishing by the Treaty of 1837 continues to exist.

March 23, 1995 – Plaintiffs-Intervenors Lac Courte Oreilles, Sokaogan Chippewa, Red Cliff, Bad River, Lac du Flambeau and St. Croix Bands' Complaints filed.

April 12, 1995 – Defendants' Answers to the Complaints of Plaintiffs-Intervenors Lac Courte Oreilles, Sokaogan Chippewa, Red Cliff, St. Croix, Bad River and Lac du Flambeau Bands.

April 26, 1995 – Order filed affirming Magistrate Judge's Order dated March 22, 1995 granting Plaintiffs-Intervenors Lac Courte Oreilles, Lac du Flambeau, Sokaogan Chippewa, St. Croix Chippewa, Bad River and Red Cliff Bands' motions to intervene.

May 10, 1995 – Defendants-Intervenors Counties' Answers to Complaints of Plaintiffs-Intervenors Lac Courte Oreilles, Sokaogan Chippewa, Red Cliff, St. Croix, Bad River and Lac Du Flambeau Bands.

March 29, 1996 – Memorandum Opinion and Order finding that the privilege guaranteed to the Chippewa by the Treaty of 1837 continues to exist for Lac Courte Oreilles, Sokaogan Chippewa, Red Cliff, St. Croix, Bad River and Lac du Flambeau Bands; granting the plaintiff and plaintiff intervenor Bands motion for summary judgment striking the following defenses – statutory and common law delay based defenses, sovereign immunity and Tenth and Eleventh Amendments, equal footing doctrine, abstention, applicability of 42 USC 1983, res judicata and

collateral estoppel, defenses based on the Indian Claims Commission Act, on "blood quantum" territoriality, 1850 Order and 1854 Treaty; and denying defendants' motions for summary judgment on same.

June 11, 1996 – Order filed granting Defendant's motion to consolidate *the Mille Lacs Chippewa v. Minnesota* case with the 1837 Treaty claim in the *Fond du Lac Band of Lake Superior Chippewa v. Minnesota* case for Phase II proceedings.

January 29, 1997 – Memorandum Opinion and Order filed; approving the stipulations [between the State and the Bands regarding regulation of the exercise of the 1837 Treaty right]; granting deft and deft-intervenors motions for summary judgment that the definition of "private lands open to public hunting, fishing and gathering excludes private lands, and denying Bands' cross motion on same; Denying the remaining motions for summary judgment by the defendant and defendant-intervenors' motions regarding same; finding that all claims and defenses regarding the 1837 Treaty in these actions have been adjudicated, directing clerk to enter final judgment in *Mille Lacs Band v. State,* No. 3-94-1226; directing the clerk to enter final judgment on 1837 Treaty claims in *Fond du Lac Band v. Carlson,* No. 5-92-159; permanently enjoining State Defendants from any action or inactions that would prevent or interfere with the exercise of the Bands' rights to hunt, fish and gather under the 1837 Treaty except as authorized in the opinions and orders of the court; granting plaintiffs and plaintiff-intervenors' motion for summary judgment on allocation issues & denying the defendant and defendant-intervenors' request for an allocation of resources without prejudice to

any party's right to bring new proceedings if it should appear that either treaty or non treaty harvesters will be deprived in the future of a meaningful opportunity to harvest any resource.

January 29, 1997 – Judgment entered.

February 25, 1997 – Defendants' and Defendants-Intervenors notices of appeal filed.

August 24, 1997 – Opinion and Judgment of the United States Court of Appeals for the 8th Circuit affirming the decisions of the District Court.

October 10, 1997 – Defendants' and Defendants-Intervenors' Petition for Rehearing and Suggestion for Rehearing En Banc filed.

November 17, 1997 – Order of United States Court of Appeals for the Eighth Circuit filed denying Defendants' and Defendants-Intervenors' Petition for Rehearing and Suggestion for Rehearing En Banc.

Fond du Lac Band of Chippewa Indians, et al. v. Carlson et al. District Court File No. 5-92-CV159,

September 30, 1992 – Plaintiffs' Complaint filed.

October 8, 1992 – Order filed denying Plaintiffs' motion for temporary restraining order and preliminary injunction.

November 19, 1992 – Defendants' Answer filed.

February 17, 1994 – Order entered bifurcating the case into Phase I (whether the Band's 1837 and 1854 Treaty

rights continue to exist) and Phase II (the nature and scope of the 1837 and 1854 Treaty rights).

October 4, 1994 – Order filed denying Defendants' motion for summary judgment based on Eleventh Amendment, failure to join indispensable parties, statute of limitations. Order filed granting Plaintiffs' motion for partial summary judgment regarding collateral estoppel.

November 3, 1994 – Defendants' notice of appeal regarding Eleventh Amendment filed.

January 10, 1995 – Order filed denying Defendants-Intervenors' motion to intervene.

March 18, 1996 – Order filed denying Defendants' motion for summary judgment based on collateral estoppel, and granting Plaintiffs' motion for summary judgment on the same issue; denying Defendants' motion for summary judgment on the 1850 Executive Order as moot, and granting Plaintiffs' motion for summary judgment on same issue; granting Plaintiffs' motion for summary judgment on rights reserved by 1854 Treaty and 1837 Treaty; denying without prejudice Plaintiffs' motion for summary judgment on the definition of the nature and scope of Plaintiffs' rights under the 1854 Treaty; denying Defendants-Intervenors Landowners' second motion to intervene.

April 12, 1996 – Defendants-Intervenors Landowners' notice of appeal filed.

July 23, 1996 – Order filed consolidating 1837 Treaty portion of case with *Mille Lacs Band v. State of Minnesota*, District Court File no. 3-94-1226 and ordering that all

subsequent filings in *Fond du Lac v. Carlson* and *Mille Lacs Band v. State of Minnesota* be filed in each case.

December 2, 1996 – Opinion and Judgment of the United States Court of Appeals for the Eighth Circuit filed reversing decisions of the District Court denying Defendants-Intervenors Landowners' motion to intervene.

(Relevant docket entries from June 23, 1996 forward are found above in the docket entries for *Mille Lacs Band v. State of Minnesota*)

Northwest Ordinance, 1 Stat. 51-53 (July 13, 1787)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0042

Northwest Ordinance

July 13, 1787

(*Statutes at Large*, I, pp. 51-53)

The Northwest Ordinance asserts that "the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them and for preserving peace and friendship with them." The statement reflected both the good intentions of the Federal Government toward the Indians, and the continuing uncertainty concerning its authority in this field. The Ordinance was, in effect, a reassertion of congressional authority in Indian relations in the face of the casual flouting of that authority by states such as Georgia and North Carolina, which continued to make both formal treaties and unauthorized encroachments on Indian lands within their boundaries. By itself, the Ordinance could not settle the conflict, but it could and did establish a statement of basic policy to which supporters of Indian rights and federal authority could refer.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO

BE IT ORDAINED *by the United States, in Congress assembled,* That the said Territory, for the purposes of temporary

government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said Territory, dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half-blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said Territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution of thereof duly proved, and be recorded within one year after a proper magistrate, courts, and

registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of Kaskaskias, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked: he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, of the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their

offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit. The governor for the time being, shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates in each county or township as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which

the Indian title shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly: *provided*, that, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: *provided*, that no person shall be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and, in either case, he shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: *provided, also*, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and, in the case of the death of the representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or legislature, shall consist of a governor, legislative council, and a House of Representatives. The legislative council shall consist of five members to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents of the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years unless sooner removed. And the governor, legislative council, and House of Representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the House, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act

whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and other such officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and House, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which shall hereafter be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest.

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to-wit:

Article I

No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article II

The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus* and of trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same; and, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements bona fide and without fraud, previously formed.

Article III

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them and for preserving peace and friendship with them.

Article IV

The said territory and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation and to such alterations therein as shall constitutionally be made; and to all the acts and ordinances of the United States, in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time

agreed upon by the United States, in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States, in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fied purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying-places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax impost, or duty therefor.

Article V

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to-wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincent's due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line and by the said territorial line. The eastern State shall be

bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line, *Provided*, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan; and whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government; *Provided*, the constitution so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admissions shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the States than sixty thousand.

Article VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted; *Provided*, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be and the same are hereby repealed and declared null and void.

Done by the United States in Congress assembled, on the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

Chas. Thomson, *Sec'y*.

Removal Act, 4 Stat. 411-12 (May 28, 1830)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0043

Removal Act
May 28, 1830

(Statutes at Large, IV, pp. 411-12)

The gradual evolution of a removal policy for Indians east of the Mississippi covers the first thirty years of the nineteenth century. The very ambiguity and uncertainty of the "remedy" of removal led to great and frequent debates in Congress. Indian sympathizers and Indian haters could sometimes agree on a removal policy for contrary reasons. The practical issue was joined when President Andrew Jackson in his first message to Congress, on December 8, 1829, called for removal of the eastern tribes. Jackson denied the intention to use force to effect removal, and the act, as it emerged from both houses of Congress, was entirely permissive. But the weapons to enforce removal had been forged: the denial by the executive of local Indian sovereignty hitherto recognized in solemn treaties made with the United States, and the threat of state and individual action, which Jackson implied he was powerless to prevent.

AN ACT TO PROVIDE FOR AN EXCHANGE OF LANDS WITH THE INDIANS RESIDING IN ANY OF THE STATES OR TERRITORIES, AND FOR THEIR REMOVAL WEST OF THE RIVER MISSISSIPPI

BE IT ENACTED *by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included

in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

SECTION II

And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

SECTION III

And be it further enacted, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or

grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Section IV

And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Section V

And be it further enacted, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Section VI

And be it further enacted, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Section VII

And be it further enacted, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this at, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

Section VIII

And be it further enacted, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

Approved, May 28, 1830.

Message From The President Of The United States, Upon The Subject Of The Contemplated Removal Of Indians To The West Of The River Mississippi, February 15, 1832. House Document No. 116, 23rd Congress, 1st Session, Serial 219.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

23rd CONGRESS, 1st Session. [Doc. No. 116.] HO. OF REPS.

REMOVAL OF INDIANS WESTWARD.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

Upon the subject of the contemplated removal of the Indians to the west of the river Mississippi.

FEBRUARY 16, 1832.

Referred to the Committee on Indian Affairs.

WASHINGTON, 15*th of February,* 1832.

To the Senate and House of Representatives:

Being more and more convinced that the destiny of the Indians within the settled portion of the United States, depends upon their entire and speedy migration to the country west of the Mississippi, set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal, and to the ultimate security and improvement of

the Indians, should be made without further delay. Those who have already removed, and are removing, are sufficiently numerous to engage the serious attention of the Government; and it is due not less to them, than to the obligation which the nation has assumed, that every reasonable step should be taken to fulfil the expectations that have been held out to them. Many of those who yet remain, will, no doubt, within a short period, become sensible that the course recommended is the only one which promises stability or improvement; and it is to be hoped that all of them will realize this truth, and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the Government from exercising such a general control over their affairs, as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to remain; but they must remain with such privileges and disabilities as the respective States, within whose jurisdiction they live, may prescribe.

I transmit herewith a report from the Secretary of War, which presents a general outline of the progress that has already been made in this work, and of all that remains to be done. It will be perceived, that much information is yet necessary for the faithful performance of the duties of the Government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend.

I recommend the subject to the attention of Congress, in the hope that the suggestions in this report may be found useful, and that provision may be made for the appointment of the commissioners therein referred to; and for vesting them with such authority, as may be necessary to the satisfactory performance of the important duties proposed to be entrusted to them.

ANDREW JACKSON.

Act Of March 3, 1837, 5 Stat. 158, *Selected Pages

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

CHAP. XXXI. – *An Act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year eighteen hundred and thirty-seven.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, for the year one thousand eight hundred and thirty-seven, for the purpose of paying the current expenses of the Indian Department, and of fulfilling treaty stipulations with the various Indian tribes, to be paid out of any money in the Treasury not otherwise appropriated: that is to say;

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as provided by the act of June thirtieth, eighteen hundred and thirty-four, twelve thousand dollars;

For the pay of sub-agents, authorized by the same act, ten thousand dollars;

For the pay of interpreters, as authorized by the same act, eight thousand seven hundred dollars;

For presents to Indians, authorized by the same act, five thousand dollars;

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars;

For the necessary buildings required at the several agencies, and repairs thereof, two thousand dollars;

For postages, rents, stationery, fuel for offices, and other contingencies of the Indian Department, seven thousand dollars;

For the salary of one clerk in the office of the Governor of Wisconsin Territory, who is ex officio superintendent of Indian affairs, eight hundred dollars;

For the salary of one clerk in the office of the acting superintendent of the Western Territory, one thousand dollars;

For the Six Nations of New York, four thousand five hundred dollars;

For the Senecas of New York, six thousand dollars;

For the Ottawas, four thousand three hundred dollars;

For the Wyandots, six thousand eight hundred and forty dollars;

For the Wyandots, Munsees, and Delewares, one thousand dollars;

For the Christian Indians, four hundred dollars;

For the Miamies, thirty thousand one hundred and ten dollars;

For the Eel Rivers, one thousand one hundred dollars;

For the Pottawatamies, twenty thousand eight hundred dollars;

For the Pottawatamies of Huron, four hundred dollars;

For the Pottawatamies of the Prairie, sixteen thousand dollars;

For the Pottawatamies of the Wabash, twenty thousand dollars;

For the Pottawatamies of Indiana, seventeen thousand dollars;

For the Chippewas, Ottawas, and Pottawatamies, thirty-four thousand two hundred and ninety dollars;

For the Winnebagoes, thirty-seven thousand seven hundred and eighty-five dollars;

For the Menomonies, thirteen thousand nine hundred and twenty dollars;

For the Chippewas, six thousand seven hundred and forty dollars;

For the Chippewas, Menomonies, Winnebagoes, and New York Indians, fifteen hundred dollars;

For the Sioux of Mississippi, three thousand six hundred and forty dollars;

For the Yancton and Santie band of Sioux, four thousand three hundred and forty dollars;

For the Omahas, three thousand nine hundred and forty dollars;

For the Sacs of Missouri, one thousand six hundred and forty dollars;

For the Sacs, three thousand dollars;

For the Foxes, three thousand dollars;

For the Ioways, five thousand one hundred and forty dollars;

For the Sacs and Foxes, twenty-three thousand nine hundred and twenty dollars;

For the Sacs, Foxes, and Ioways, three thousand dollars;

For the Ottoes and Missourias, five thousand six hundred and forty dollars;

For the Kanzas, six thousand and forty dollars;

For the Osages, eleven thousand and forty dollars;

For the Kickapoos, six thousand five hundred dollars;

For the Kaskaskias and Peorias, three thousand dollars;

For the Kaskaskias, Peorias, Weas, and Piankeshaws, nine hundred and forty dollars;

For the Piankeshaws, thirteen hundred dollars;

For the Weas, three thousand dollars;

For the Delawares, ten thousand two hundred and forty dollars;

For the Shawnees, six thousand nine hundred and forty dollars;

For the Shawnees and Delawares, five hundred dollars;

For the Shawnees and Senecas of Lewistown, one thousand nine hundred and forty dollars;

For the Senecas of Lewistown, two thousand five hundred and forty dollars;

For the Choctaws, fifty-four thousand eight hundred and twenty dollars;

For the Chickasaws, six thousand dollars;

For the Creeks, forty-seven thousand eight hundred and sixty dollars;

For the Quapaws, four thousand five hundred and forty dollars;

For the Florida Indians, nine thousand six hundred and ten dollars;

For the Pawnees, twelve thousand dollars;

For the Cherokees, west, six thousand nine hundred and sixty dollars;

For the Ottawas and Chippewas, sixty thousand eight hundred and thirty dollars;

For the Caddoes, ten thousand dollars;

For transportation and incidental expenses, twenty-nine thousand five hundred dollars;

For removal and subsistence of the Creeks, and purchase of articles according to the treaty of the twenty-

fourth March, eighteen hundred and thirty-two, for the subsistence of the families of the warriors in the service of the United States, and for the expenses attending the sales of Creek reservations, and investigating the frauds committed on these Indians, and the causes of their hostility, seven hundred and one thousand six hundred and seventy-six dollars;

For the removal and subsistence of the Seminoles, one hundred and forty thousand dollars;

For the removal and subsistence of the Ottawas of the Maumee, thirteen thousand dollars;

For the removal and subsistence of the Pottawatamies of Indiana, and for locating reservations and incidental expenses, under the treaty with the Pottawatamies of St. Joseph, of the twentieth September, eighteen hundred and twenty-eight, ninety thousand five hundred dollars;

For the removal and subsistence of the Chippewas, Ottawas, and Pottawatamies, under the treaty of twenty-sixth September, eighteen hundred and thirty-three, and for locating reservations, and incidental expenses under the treaty with the same, of the twenty-ninth July, eighteen hundred and twenty-nine, one hundred and thirty-two thousand dollars;

For locating reservations, and incidental expenses under their treaty with the Winnebagoes of the first of August, eighteen hundred and twenty-nine, one thousand dollars;

For carrying into effect the treaty with the Sioux and other tribes of the fifteenth of July, eighteen hundred and

thirty, so far as it relates to the Sioux half-breeds, and for compensation to a blacksmith under the act of the thirtieth June, eighteen hundred and thirty-four, one thousand one hundred and twenty dollars;

For the Omahas, Ioways, Ottoes, and Yancton and Santie Sioux, under the tenth article of the treaty of the fifteenth of July, eighteen hundred and thirty, in relation to half-breeds of these tribes, one thousand dollars;

For the various expenses growing out of the location and sale of Choctaw reservations, and perfecting titles to the same, and for additional compensation to blacksmiths, as provided for by the ninth section of the act of June thirty, eighteen hundred and thirty-four, eight thousand eight hundred and sixty dollars;

For carrying into effect the fifth and sixth sections of the treaty with the Osages of June second, eighteen hundred and twenty-five, relative to reservations for half-breeds and for schools, two thousand dollars;

For carrying into effect the sixth article of the treaty with the Kanzas of the third of June, eighteen hundred and twenty-five, in relation to reservations for half-breeds, five hundred dollars;

For carrying into effect the supplementary article of the treaty with the Delawares of the third of December, eighteen hundred and eighteen, in relation to reservations for schools, five hundred dollars;

For the erection of a horse-mill as stipulated in the fifth article of the treaty with the Ottoes and Missourias of the twenty-first of September, eighteen hundred and

thirty-three, in addition to a former appropriation, nine hundred dollars;

For additional compensation to blacksmiths for the Cherokees, as provided for in the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, four hundred and eighty dollars;

For additional compensation to a blacksmith for the Menomonies, as provided for by the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, one hundred and twenty dollars;

For additional compensation to blacksmiths for the Senecas and Shawnees, as provided for by the ninth section of the act of June thirtieth, eighteen hundred and thirty-four, two hundred and forty dollars;

For agricultural assistance for the Sacs and Foxes, in addition to the amount heretofore allowed, and to which they are entitled by an equitable construction of the treaties of the fourth of August, eighteen hundred and twenty-four, and the fifteenth of July, eighteen hundred and thirty, seven hundred and forty dollars;

For the purpose of supplying a deficiency in the sum applicable to the payment of annuities for eighteen hundred and thirty-six, caused by the retention, as commissions on disbursement, by Lieutenant N. J. Eaton, United States Army, of this amount, two thousand seven hundred and eighty-nine dollars; *Provided always*, That this appropriation shall not be so construed as to give any sanction to any disbursing officer, in retaining commissions on any sum of money paid by him in pursuance of

treaty stipulations; but on the contrary it is still considered the duty of the proper officers to use all legal means to compel the payment of said sum of two thousand seven hundred and eighty-nine dollars, retained by Lieutenant N. J. Eaton:

For payment of balance due Andrew S. Hughes and Jonathan L. Bean, in compliance with an arrangement made with them, February fourteenth, eighteen hundred and thirty-two, by the Superintendent of Indian Affairs at St. Louis, in pursuance to instructions from the War Department, sixteen hundred dollars;

For the payment to Charles Rodgers the appraised value of a distillery built by him prior to the act of eighteen hundred and thirty-four and afterwards destroyed by order of the Indian agents, and for which he was promised indemnity, the sum of sixteen hundred and ninety-two dollars;

For the purpose of paying the expenses of two Fox chiefs and their attendants, in coming to the city of Washington, on necessary business, and returning to the nation, the sum of fifteen hundred dollars;

For the purpose of enabling the Secretary of War, to pay a subscription made in eighteen hundred and thirty, for the Indian department, of fifty copies of the History of the Indian Tribes of North America, with biographical sketches, to be composed of, say twenty numbers each, the sum of three thousand dollars;

For the purpose of fulfilling the stipulations in the twentieth article of the treaty with the Choctaws of the twenty-seventh September eighteen hundred and thirty,

providing for the education of forty Choctaw youths, in addition to the sum heretofore provided, the sum of two thousand dollars;

For holding treaties with the various tribes of Indians east of the Mississippi river, for the cession of lands held by them respectively, and for their removal west of the Mississippi, ten thousand dollars;

For the purpose of defraying the expenses of Eleazer Williams, in coming from Green Bay, and returning home, on business relative to the Oneida Indians, the sum of five hundred dollars;

For carrying into effect the treaty with the Menomonies of the third September, eighteen hundred and thirty-six, two hundred and eighty-eight thousand five hundred and forty dollars;

For carrying into effect the treaties with the Pottawatamies of the fifth of August, twentieth, twenty-second and twenty-third September, eighteen hundred and thirty-six, and eleventh February, eighteen hundred and thirty-seven, seventy-three thousand four hundred and twenty-three dollars;

For carrying into effect the treaty with the Ioways of the seventeenth September, eighteen hundred and thirty-six, sixty-five thousand five hundred and ninety dollars;

For carrying into effect the treaties with the Sacs and Foxes of the seventeenth, twenty-seventh and twenty-eighth September, eighteen hundred and thirty-six, one hundred and thirty-eight thousand two hundred and forty dollars;

For carrying into effect the treaty with the Otoes and Missourias of the fifteenth October, eighteen hundred and thirty-six, three thousand dollars;

For carrying into effect the treaty with the Omahas of the fifteenth October, eighteen hundred and thirty-six, two thousand four hundred and seventy dollars;

For carrying into effect the treaties with the Sioux of the tenth September, fifteenth October, and thirtieth November, eighteen hundred and thirty-six, one thousand nine hundred and fifty dollars;

For pay of four additional sub-agents, three thousand dollars;

For defraying the expenses of a more particular examination of the vacant Indian country, southwest of the Missouri river, with a view to ascertain its adaptation, in quality and extent, to the accommodation of the tribes yet to be removed, three thousand dollars;

For holding treaties with the Sioux Indians to extinguish their title to that part of their lands lying east of the Mississippi river, five thousand dollars;

For the expenses of a deputation of the New York Indians to visit the country west of the Mississippi, with a view to the selection of a permanent residence, eight thousand dollars;

For the expenses of a deputation of the Chippewas of Saganaw for the same object, two thousand dollars;

For defraying the expenses of Hendrick, a Stockbridge Indian, and of two Ioway chiefs, and their attendants, who have visited the seat of Government on business during the present winter, one thousand dollars;

For defraying the expenses of a treaty with the Wyandot Indians of Upper Sandusky, in the State of Ohio, one thousand dollars;

For holding treaties with the various tribes east of the Mississippi river, for the cession of lands held by them respectively, and for their removal west of said river; and with the Sioux for the cession of the country lying east of the same river, and for defraying the expenses of a more particular examination of the vacant lands, west of the Mississippi, with a view to ascertain, whether it be sufficient to accommodate the tribes remaining east of said river, seventeen thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President of the United States by suitable agents to inquire that depredations were committed by the Seminole and Creek Indians on the property of citizens of Florida, Georgia, and Alabama, immediately before the commencement of actual hostilities on the part of said respe tive tribes of Indians; what amount of depredations were committed during the pendency of said hostilities; what portion of the Creek tribe were engaged in such hostilities; and what depredations have been committed by a remnant of said tribe supposed to be friendly and a part of whom were actually employed against the Seminoles, since the removal of the

main body of them west of the Mississippi, and that the President report the information so acquired to Congress at its next session; *Provided*, Nothing hereinbefore contained, shall be so construed, as to subject the United States to pay for depredations not provided for, by the act of April ninth eighteen hundred and sixteen, and the acts amendatory thereto, nor by acts regulating the intercourse between the Indian tribes and the United States.

SEC. 3. *And be it further enacted*. That the President may, and he is hereby authorized, to appoint, by and with the consent of the Senate, three additional Indian agents, one for the Creek, one for the Cherokee tribe of Indians, and one for the tribes on the upper Missouri, who shall execute the same duties, possess the same powers, and receive the same pay and emoluments as those now authorized by law, execute, possess and receive, and that the salaries of said agents be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1837.

Butler To Poinsett, April 20, 1837.
3 Opinion Of Attorney General, P. 206.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

THE FOLLOWING OPINION OF THE UNITED STATES ATTORNEY GENERAL IS PRINTED IN VOLUME II, PART 2, GENERAL PUBLIC ACTS OF CONGRESS RESPECTING THE SALE AND DISPOSITION OF THE PUBLIC LANDS, 1838 at page 212.

No. 148. – (Liber E, p. 46.)

Construction of treaty with Ottawas and Chippewas, as to Indian right of occupancy. Indian right cannot be disturbed by any person. Lands cannot be entered upon by a citizen until after a sale.

Indian right will be extinguished by sale, which may be made under general laws. Until sale, they are appropriated lands.

Attorney General's Office, April 20, 1837.

Sir: In answer to the questions proposed in the letter of the Commissioner of Indian Affairs, and referred to me by your communication of the 23d ultimo, I have the honor to inform you that, in my opinion, the thirteenth article of the treaty of March, 1836, with the Ottawa and Chippewa Indians, by which "the Indians stipulate for the right of *hunting* on the lands ceded, with the *other usual privileges of occupancy*, until the land is required for settlement," must be regarded as reserving the *use* of the ceded lands for all the purposes of Indian occupancy, as it existed prior to the treaty, until such lands shall have been actually disposed of to individuals by the United

States. Such disposition may be made by sale under the general laws, or by special grants, or in any other way that Congress may direct; and whenever an *actual disposition* of any particular tract shall be made, the usufructuary right of the Indians will cease as to such tract. In the mean time, however, that right cannot lawfully be interrupted by the Government; still less by any citizen of the United States.

I am, sir, very respectfully,
Your Obedient Servant,

B. F. BUTLER.

The Hon. J. R. Poinsett,
Secretary of War.

Harris To Dodge And Smith (May 13, 1837)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0046

DODGE, His Excy H.
Mineral Point,
Wisconsin Territory

O. I. A.
May 13, 1837

SMITH, Genl. W. R.
Bedford, Pennsylvania
Gentlemen,

Having accepted the commissions offered to you by the President of the U. States, to hold a treaty with the Chippewa Indians of the Mississippi, it becomes my duty to communicate to you the particular objects of the Government, and its views as to the mode in which they may be accomplished.

The tract which it is considered desirable to procure from these Indians, is that part of their country which lies east of the Mississippi river, and south of the 16th meridian of longitude. It is understood, that this tract is valuable for the pine woods which cover it, but is unfit for cultivation. Its acquisition by the U. S. will be beneficial to both parties. To the the United States, by opening to its citizens an extensive wood land, important especially from the rapidity with which settlements are multiplying: to the Indians, by giving them an ample consideration in money, provisions, agricultural and mechanical establishments, education, and other means of improvement. If the Indians retain this land, experience has shewn that

they will part with the most valuable of the timber to individuals, for at best very inadequate remuneration.

You must judge, on a full consideration of all the circumstances, what amount should be paid for the tract designated. There is no treaty, I believe, which will be useful to you as a precedent in forming a conclusion on this point. In the stipulations respecting the manner in which it shall be paid to them, you will endeavor to secure to them the greatest permanent benefit. As large a provision as they will consent to, should be made for Schools, farms, smiths' shops, mills, teachers, farmers, smiths and millers, agricultural implements, Stock, provisions, tobacco, salt xc, and the necessary accommodation of the persons employed in the capacities here indicated. As large a portion of the consideration as they can be induced to sanction, should be invested in public stocks, the interest to be paid to them annually. A limited annuity, of as small an amount as in your judgment may be advisable, may be provided for. But, if possible, you will prevail on them to agree to receive their annuity, and the interest on the stocks, in goods, instead of money, to be delivered at certain points in their own country, at the expense of the United States. No mill privileges, now claimed, or exercised, will be recognized, nor will any new ones be granted. No stipulations will be made for reservations to individuals. If the Indians are particularly solicitous about it but not otherwise, you may admit an article providing for the payment of debts, and in favor of the half-breeds among them, with the restrictions placed by the Senate on the similar provisions for the Menomonees in the satisfaction of the treaty of Sept. 3, 1836.

During the pendency of this negotiation, you are requested to avail yourselves to all suitable opportunities to impress the Chippewas with the absolute necessity of refraining from aggressions on the Sioux or on our citizens. You may say to them, that the Sioux Chiefs, who are coming to see the President, will be charged by him to remain at peace, and that their Great Father will take strong measures to punish both them and the Sioux, if they continue their hostilities with each other.

You will also please to ascertain informally in what manner they would receive a proposition to admit among them the Ottowas and Chippewas of Michigan, who have manifested a reluctance to go west of the Mississippi, agreeably to the provisions of the late treaty.

The preparatory arrangements for the treaty, concerning the Indians, procuring provisions, employing commissaries and other persons necessary, will be made under the direction of Governor Dodge, who will be near the scene of operations. The appropriation, applicable to this object, is $5,000, and the expenditures must in no event exceed it. The amount will be remitted to Governor Dodge, but for its disbursement, you will both be held accountable. Your accounts, with the usual vouchers, abstracts of purchases and issues of provisions, certified by both, will be transmitted to this office.

Verplanck Van Antwerp Esq. of Indiana, has accepted the appointment of Secretary to the Commission, and will report himself to Governor Dodge, to learn when and where his services will be required, and will carry into effect the instructions you may give him.

C. A. H.

1837 Treaty Proceedings
(Journal Of Treaty Negotiations)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Appendix 1

Negotiations for the
"Chippewa Treaty of July 29, 1837"

Proceedings of a Council held by Governor Henry Dodge, with the Chiefs and Principal men, of the Chippewa Nation of Indians near Fort Snelling, at the confluence of the St. Peters and Mississippi Rivers, commencing on the 20th day of July 1837.

The Head Men of the nation, having by direction of Governor Dodge, been advised of his desire to meet them in council, their different bands assembled together near Fort Snelling between the first and 20th of July, to the number of upwards of a thousand individuals, men, women, & children, and on the last mentioned day, met the governor at the Council House.

Gen[1]. William R. Smith of Pennsylvania, appointed by the president of the United States, the colleague of Governor Dodge in the commission, did not arrive to be present at the council.

The following named *Chiefs* were present, and recognized as such, by the Governor.

Bands		Chiefs
From	Leech Lake,	Aish-ke-boge-kozho, or *Flat Mouth* and *The Elder Brother*
"	Gull Lake & Swan River,	Pa-goona-kee-zhig, or The Hole in the day, and Songa-komig or, The Strong Ground
"	Mille Lac,	Wa-shask-ko-koue, or Rats Liver
"	Sandy Lake	Ka-nam-dawa-winro, or Le Brocheux
"	Snake River,	Naudin, or The Wind, Sha-go-bai, or The Little Six, Pay-a-jik, & Na-qua-na-bie, or The Feather.
"	Fond-du-Lac,	Mang-go-sit, or Loons Foot, and Shing-gobe, or The Spruce
"	St. Croix River,	Pe-zhe-ke, or The Buffalo

Ver Planck V. Antwerp of Indiana, appointed by the President, Secretary to the Commission, was also present at the meeting of the Council.

The usual ceremonies for opening a council with the Indians, having been first duly observed, Governor Dodge addressed them as follows:{0548} "Chiefs, Head Men, and Wariors [sic] of the Chippewa Nation of Indians."

"Your Great Father The President of the United States, has sent me to see you in Council, to propose to you the purchase of a small part of your country *East of the Mississippi River.*

"This country, as I am informed, is not valuable to you for its game, and not suited to the culture of corn, and other Agricultural purposes.

"Your Great Father wishes to purchase your country on the Chippewa and St. Croix Rivers, for the advantage of its Pine Timber, with which it is said to abound.

"A Map of the Country which your Great Father wishes to buy from you, will be shewn [sic] you, where on which the Rivers and Water courses are laid down; and such explanations given through your Interpreter, as will fully explain to you, the particular part of your country East of the Mississippi River, which Your Great Father proposes to purchase, for the use of his White Children.

Your Great Father knows you are poor, and this Pine region of Country, is not valuable to you for hunting purposes. His wish is, to make you a full compensation for it, the country, by giving you its full value, payable in such manner, as will be most serviceable to your people.

"An estimate will be made of the probable value of your country which it is proposed to purchase, of which you will be informed. I will request you, after fully deliberating upon the subject, to tell me your price for the country, with as little delay as possible.

"Your Great Father The President was desirous that the Chippewas should be fully represented in this council, that all might know what had been done; and that equal justice should be done to all. I wish you to be prepared with your answer to the proposition made you, at our meeting in Council tomorrow."

Governor Dodge having confided his remarks and intimated his readiness to hear any thing which the Chiefs or principle men might have to say to him, *Aish-ke-boge-kozhe*, (Flat Mouth, or La Guelle Plat) advanced and spoke as follows: "My Father, I have but little to say to you now. Living in a different part of the country from that which you propose to buy from us, I will be among the last of those who will speak to you upon that subject.

"After those shall have spoken who live in and nearer to that country, I will talk more to you.

"My Father, My people have all the same opinion with me, and will abide by what I say to you. I have come to listen first, to all you have to say to us, and will afterwards speak to you. My heart is with you. I have nothing more to say now.

Naudin (The Wind) then came forward and said "My Father, I once shook hands with our Great Father The President of the United States, as I do with you now. I have not much to say at present; and my brother-in-law who stands near me wishes to speak to you. On tomorrow I expect that some more people will be here from the country that you wish to buy from us. I was present when they began to run the boundary line between our country and that of the Sioux at the "Red Devils Riverss [sic] {See

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{Note A: Red Devils Riverss [sic] is the interpretation decided upon after much analysis of the penmanship, context, and historical possibilities in consultation with Richard St. Germaine. It fits the context because an Indian named Red Devil did sign the 1825 treaty to which the speaker here refers. In an earlier transcript of this document (*Iowa News* 1837, 410-11), this phrase was transcribed as Red Deer's Rump, but this has no historical meaning with which I am familiar.}

Note A}." When you are ready to examine that line I will say more to you."

Pe-zhe-ke (*The Buffalo*) "My Father. I am taken by surprise by what you have said to us, and will speak but few words to you now. We are waiting for more of our people who are coming from the country which you wish to buy from us.

"We will think of what you have said to us, and when they {0549} come, will tell you our minds about it. Men will then be chosen by us, to speak to you. I have nothing more to say now."

Pa-goona-kee-zhig (The Hole in the Day) "My Father, what Aish-ke-boge-ko-zhe (Flat Mouth) & the others who have spoken have told you, is the opinion of us all."

Na-ca-ne-ga-be (The Man that Stands Foremost) "My Father. The people will come from the country where my fathers have lived before me. When they arrive here, they will speak to you. Until then I have nothing more to say."

Governor Dodge, then, after urgently impressing upon the Indians, the great importance and necessity of their remaining quiet among each other and at peace with the Sioux, during the time that they were at St. Peter's attending the Council, adjourned it to meet again at 10 O'Clock Tomorrow Morning.

Friday July 21st 1837

The Governor was advised this morning by Mr. {M.M.} Vineyard their Agent, that the Indians did not

wish to meet in council to day, as the people whom they expected, had not yet arrived, and they wanted more time to council among themselves.

Saturday July 22nd

The Morning being cloudy with a threatening appearance of rain, the Council did not meet until 3 O'Clock P.M. when Governor Dodge directed the Interpreter to say to the Indians, that when he had parted with them two days ago, they had told him that they expected to meet more of their friends here, and were desirous before taking any further steps about what he had spoken to them, of councilling [sic] among each other – that he had now met them to hear what they might have to say about their absent friends, and to listen to any communications which they might wish to make to him, in regard to the councils which they had held, or the conclusions resulting from them, at which they had arrived.

After an interval of some 15 or 20 minutes, during which time the Interpreter by direction of The Governor, repeated the expressions of his readiness to hear any remarks, which the Indians might wish to make to him. *Flat Mouth* advanced and said

"My Father. I shall say but little to you at this time. I am called a Chief. I am not the Chief of the whole nation, but only of my people or tribe. I speak to you now only because I see nobody else ready to do so. I do not wish to take any further steps about what you have proposed to us, until the other people arrive, who have been expected here. They have not yet come; and to do so before their

arrival, might be considered an improper interference, and unfair towards them.

"The residence of my band is outside of the country which you wish to buy from us. After the people who live in that country shall have told you their minds, I will speak.

"If the lands which you wish to buy, were occupied by my band, I would immediately have given you my opinion. After listening to the people who we are expecting, and who will speak to you, I will abide by what they say, and say more to you myself.

"My Father, on getting up to speak to you, I hardly knew what to say. If I say no more, it is not because I am afraid or ashamed to speak my mind before my people, & those of the whole nation, and all others present, but because I have nothing more to say."

The Buffalo remarked, that he was quite deaf, and could not hear distinctly what was said; that he had seen the Governors lips move, and turned each ear to him to listen, but could not hear well, his words; that there was another {0550} man here, who with himself had the confidence of their people, but that they did not wish to say more until the rest of them who they were expecting, should arrive.

Pay-a-jik "My Father. Your children are not displeased with what you have said to them – but they wish you to give them four times more tobacco than you have yet given them. My Father, what has happened to you? Have you cut off your breasts that you can not suckle

your children? If you did so[1], it would render them more pliant and ready to yield to your wishes. This was the case at the Treaty of Prairie du Chien in 1825. I was there, and know what was done. The boundary line between our country and that of the Sioux, was then established; & my people wish now to have it explained to them. I have been told by the other Chiefs and Wariors [sic] to say what I have said to you. I do not say it of my own accord. My people have chosen me and another, to talk with you about the proposition that you have made to them, to buy a part of our country.

"I am ready to proceed whenever the others are ready. Other men of power and authority are behind, and are expected here. They will soon come, when we will give you our answer."

The Wind "My Father" – turning round to the Indians – "I shake by the hand all the people of the different tribes of my nation who are around you," – and then turning to Governor Dodge – "My Father, What I said to you two days ago, I would say to the President of the United States If I saw him. My forefathers were a great and powerful people, which gives me confidence to speak. All your Children here heard what you said when you spoke to them about the lands which you wish to buy from us. I understood that it was the country upon the St. Croix and Chippewa Rivers, and toward the East; and when I slept, I had a dream, and a little bird passed by and told me what was meant.

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[1] meaning, that if he would give them whiskey

I will listen to what others have to say, and will then speak my mind to you plainly and fully. My Father I attended a council at Prairie-du-Chien which lasted ten days. Some of those now here, were then present. This will last longer; as it is one of greater importance. It is now late in the day. When the Council meets again we will begin earlier in the morning, that we may have more time to speak."

Rats Liver (Wa-shask-ko-koue) "My Father I have nothing to say to you different from what has been said by those who have already spoken. We are all of the same mind."

Governor Dodge then directed the Intrepeter [sic] to ask the Chiefs, whether their people who were here, were troubled by the Sioux; that he had seen the Sioux dancing in their Encampment yesterday, and was glad to witness the friendly feeling, who seemed to exist among them; that he had been informed by the Agent for the Sioux, Major Taliaferro, that he had told them, they must not visit the Chippewa encampment during their stay here, but upon the most friendly terms; & that if the Sioux had given them any trouble he wanted to know it, and wished some one of the Chiefs would now mention it to him.

The Wind replied to the Governor that there was no trouble; that they were all satisfied; that all his children around him both Chippewa and Sioux wished to be friendly together, and wanted to carry on a little trade and bartering among themselves; but that he was directed by his people to tell the Governor that the Soldiers and White people troubled them in their Encampment.

Governor Dodge "I am glad to hear that you are on friendly terms with the Sioux, & hope you will continue to be. I wish you to take each other strong by the hand; and you must conduct yourselves well while you remain here.

"I will speak to the officer commanding the Garrison & request him to forbid his soldiers disturbing you for the future. {0551} He will prevent it".

The Wind. "My Father, I wish you would give the same advice to the Sioux that you have given us; but do not wish thereby, to prevent them from coming in a friendly way to visit us". And then the Gov. adjourned the Council.

Monday July 24th 1837.
The council met at 11. O'Clock A.M.

Governor Dodge directed the Interpreter to inform the Indians, that he had just been advised, that four of their friends (Indians) who they had been expecting, had arrived at their encampment; and that fifty others, were said to be near here, who had come from La Pointe with Messrs. {Lyman M.} Warren and {Daniel P.} Bushnell, & who was believed would arrive here this evening; that as they were all of the same nation, & brethren of each other, he wished those present to consult with them; that he did not wish to hurry their deliberations among themselves, but to give them full time to consult their friends who had arrived, and those who were coming in; & that he would now hear any thing that they might have to say to him upon the subject.

The Wind "My Father. I am very sorry to keep you so long, in a painful state of suspense upon the matter which you have proposed to us. My people are glad to see you, and they are gratified at the proposition which you have made to them. My Father, I speak to you now through the lips of "The Buffalo." (the latter had advanced to the Governors table with "The Wind", shaking him by the hand, & remarking that he would do the same with all those present, but his arm was too short – & then stepping back, to allow the latter to speak for him). He has been to see our Great Father the President of the United States, and came back safe. When I look at you it frightens me. I cannot sufficiently estimate your importance, and it confuses me. I have seen a great many Americans, but never one whose appearance struck me as yours does. You have heard of the coming of those, whose absence has prevented our proceeding, in what you have proposed to us. This is the case with all our people here. *My Father*. Listen to what I am going to say to you. I listened to our Great Father the President of the {0552} United States, & have never forgotten what he said to me. Others will speak after me, whose language will please you, and set all things right.

"My Father. We are a distracted people, and have no regular system of acting together. We cast a firm look on the people who are coming; and all think alike, about this matter. What we are going to say to you, will not dissatisfy – but please you".

Pay-a-jik, "My Father. What I am going to say to you is not my own language, but the words of Chiefs and others around you. They all look at you, who are so different from them. You are all white, while they are half

red[2]. How can we possibly forget the traders in this matter? You have come to dispense charity to us, and we must think of the traders. I think well of them. They have used me well, and supported me, and I wish to do them justice. We should certainly all be benighted if they did not do for us, what they have done heretofore; & if we do wrong to them, how can we expect it.

"My Father. Look around on all your red children here. The trader has raised them; and it is through his means that they are, as they are; We wish you to do him justice. They will, by this means go on and support us as heretofore. I refered, [sic] in commencing to speak, to the half breeds. Many of them have been brought up among us, and we wish to provide for them. We want justice done to them".

Ma-je-́ga-bo. "My Father. I shall not say much to you. You are not a man to be spoken to in a light manner. I am not a Pillager[3], but went among them when small, which gives me the right to speak as one of them. My brother (the Wind) stands beside me, and we are descended from those, who in former days, were the greatest orators of our nation".

"My Father. I am not backward in saying what I wish to. I am not going to do any thing, to make your heart lean; am not going to tell you what will be said by the Chiefs. I will answer you, when you make us an offer for our lands. As soon as our friends arrive, & I hear their

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[2] alluding to the half-breeds

[3] The common name of the Leech Lake Band

decision, I will say all that I have to say. I conclude upon that subject for the present, and will speak upon another.

"My Father. Listen closely to me. I will hide nothing from you that has passed. But for the Traders, you would not {illegible} see all your children sitting around you, as they do, to day. It is not the Chiefs, but the traders who have supported them to the present time. Our Great Father has told us that An Agent would be sent to us – but he has not yet been among us. The Traders are in our country, to trade for the skins of animals, which we take to them. Half of what they bring into the country and sell to your children is lost to them. I am glad to see the Agent here, who is to go into our country, & support our young men, women, & children.

"We wish to do justice to the half breeds, who have been brought up among us, by having them provided for.

Sha-go-bai (*The Little Six*). "My Father, I heard of you, when I was yet a young man, a long time ago; & now I see you. I am frightened when you look at me. I am startled when the wind comes rustling by; and the thunder cloud, tho' I know it will pass along without harming, alarms me.

"So it is, my father, when you talk to your children around you, of their lands; which you wish to buy from them.

But I have great confidence in the Chiefs who are here, and others who are coming. When they come to treat fully with you, we (pointing to the two men standing beside him, & himself) will sit far off and listen. I spring from the same stock with the people who stand

behind you (white men – Sha-go-bai is a half breed) and am related to all the half breeds in the country where I live.

"My Father. Look at the man who is standing near me. His, {0553} and my ancestors, were the Chief Men of the Country, that you want to buy from us. The Traders have raised our children, and we like them. I owe my life to the Traders, who have supported us. I am glad to see the Agent here who will live among us, & give us tobacco when we want it".

The Little Buffalo "My Father. Listen to what I am going to say to you. Let it enter deeply into your ear, & upon your heart. Tho' I may appear contemptible in your sight; when I address the wariors [sic] of my tribe, they listen to me.

Nobody – no trader – has instructed me what to say to you. Those who have spoken before me, have told you the truth; & I shall speak on the same subject. I have been supported by the Trader; & without his aid, could not get through the winter, with my naked skin. The grounds where your children have to hunt, are as bare as that on which I now stand, & have no game upon them.

"My Father, I am glad to see you here, to embrace the Earth. We are at a loss to give anything to the Traders, as our lands and hunting grounds are so destitute – do us a kindness, by paying our old debts. I have nothing more to say. You are our Father, and we look up to, and respect you. I have come here and seen you, and my heart is at peace. I have talked with my wariors [sic] & heard their words, & my mind is tranquil".

Flat Mouth, "My Father. Your eyes are upon me, & mine upon you. Wherever I have been, the prints of the white mans hand's have been left upon my own. Yours are not the first that I have shaken. It is I and those men (pointing to The Elder Brother, The Strong Ground and The Hole in the Day) that have brought many of your children here. Their opinions are mine.

"My Ancestors were chiefs of their tribes and villages while they lived: I do not however hold my title from them, but have derived it from my own acts and merits

"My Father. When I came here this morning, I supposed you wanted to talk to us about the lands, you wish to get from us, and not about the Traders.

"After the question about selling the land shall be settled – it will then be time enough to talk about these Traders".

"My Father. I shall not be backward in speaking of what you propose to use at the proper time. Many of my people have told me to say so. But we can do nothing until the other people arrive. We must listen to them. As I have told you before after they shall speak I will say more.

The Hole in the day "My Father. He who is the Master of all hears me speak. I know the Traders, & what has been their conduct. I know which of them are good men, and those who are bad, and act like drunken men. When the other people come I will speak again.

Rats Liver. "My Father I am but little accustomed to speaking, and am generally, one of those who listen. Our Father here (the Agent) knows me, and is acquainted

with my character. If I wished to speak much, I should feel no shame for my personal appearance – but this you may not wish to hear.

"We are talking about the land which you have come for – I have tread all over it, with my war club in my hand. My ancestors and those of Pa-goona-kee-zhig (The Hole in the Day) were the Chiefs and protectors of that country, and drove the bad Indians (The Sioux) away from it.

"My Father It is only to you that I look and listen, & not to the bad birds that are flying through the air. My own merit has brought me to the place which I occupy to day; and I do not wish any body to push me forward as a speaker.

"I have nothing to add now, but will say more when the business about the land has been settled."

Que-me-shan-shee or *Big Mouth*, "My Father, What I am going to say to you; is of not much consequence. I have smoked with some of my friends & have come to tell you the result. After reflecting upon the subject we came to no definite conclusion – but wish to do like those who have already spoken. We do not wish to do any thing to injure the white people. My Father, all that has prevented us from doing {0554} what you came here to have us do, is, that we have been waiting for others of our people who we have expected here, and who we are afraid to dissatisfy. I never before have spoken to Americans at any length; and fear My Father, that you will think that I am drunk – but I have here (putting his hand to his breast) a great deal of sense (intelligence) which I have

obtained from the white people. As soon the other people come, we will unfold our minds to you.

Sha-we-niq-wa-nake. ___ "My Father, What I have to say to you, place it strongly to your heart. The Master of life, and The Spirit of the Earth listen to us. The Master of life made the Earth, the grass and the trees that grow upon it, and the animals that roam over it. When the Great spirit made the Earth, he placed the Red Men upon it; & when the Chiefs were put upon it, it became very strong. Some of these chiefs are now here, and others are coming. They do not wish to act precipitately".

Shing-go-be (The Spruce) "My Father, I shall speak but few words to you. It is only I who can tell you the truth about the lands where I live. If you speak of the lands yonder (pointing towards the country proposed to be purchased) I will not talk foolishly about them here, in the midst of so many Indians. Altho' only a child, I speak at once into the middle of a subject, and you shall hear straight about my lands, because I am the Master of them. After you shall have spoken to me further about them, the Master of life will hear me answer you.

"My Father I could speak all day long in a loud tone of voice – but have nothing further to say to you now.

Mang-go-sit, (The Loons Foot) "My Father, I do not wish to say much to you. You do not know who I am, & from whence I have sprung. I never speak at any length; but it is not because I can not speak strong. I only wish to tell you now who my Ancestors were. I am the son of Le Brocheux – one of the greatest chiefs of our nation. I have given my thoughts before to your children who have spoken to you – and I think before I speak.

"My Father, I will speak to you more when you know who I am. When I speak to the Chiefs, I do not speak long, but to the point.

Ma-ge-go-be – after a long speech to the Indians & urging upon them to sell the land; but before doing so, to press upon the Governor to give them presents, and furnish them with more provisions – said

"My Father This is all your children have to say to you now, about the lands. They are going to take a rest, and will then say more to you about them. Listen My Father, to what I have said to your children & what they have answered. What I am going to say to you now is to the purpose. The provisions that you have given us, are not enough for us. We want those of another kind – some of the cattle on the prairie. Our people do not cook properly what you have given them to eat. It has made them sick, and they want you to give them something else that will cure them.

The Wind, "My Father When I saw our Great Father, the President of the United States he gave me sense. Listen to me, & let me tell you the truth. I listen to you, and accede to your purposes. You must not suppose that things will not be as you wish. We are now arrangeing [sic] them to your liking. The Station of Chief is a very difficult one to hold, but when I was made one by the President I thought I never should be refused anything that I asked for. It is hard to hear our children crying here for something to eat. When I have heard their cries in the dead of winter, I have put on my belt and started off to look for it. Your look is so firm that I think it would not be possible for you not to do what you wished to. You

and I both speak from what the President of the United States has told us. You have plenty of every thing to eat around you, & can give us some of the cattle that are {0555} upon the Prairie. At the treaty at Prairie du Chien, the case was as difficult as this. The Great Chief then fed us well and gave us ninety head of cattle.

The Spruce. "My Father, I am not one who has asked for cattle to eat. You have come too far to bring them with you. If you wish to give meat; give it to those who want it – I do not. Continue to give me what you have furnished to us before".

Governor Dodge, then directed the Interpreter to say to them that their father (the Agent) would tell them whether he could get any cattle for them; that he wished to see them again in council early tomorrow morning; that he was glad to hear their friends would be here this evening; that the weather was now good, & they must make up their minds as soon as they could; that he hoped the Chiefs & principal men would see that their people kept on friendly terms, with the Sioux, & if any difficulty occurred inform their Agent; that the Sioux & themselves had met here as friends, & he wanted them to part so – And then Adj^{d}, the Council until tomorrow.

Tuesday, July 25th

Governor Dodge was advised at 10 O'Clock this morning, that seventy Five or Eighty Indians belonging to four or five different Bands, from Lakes, De Flambeau and De Courtereille, and La Pointe & , accompanied by Mr. Bushnell the Sub-Agent and a Mr. Warren a trader from La Pointe, had just arrived. These Gentlemen waited upon

Governor Dodge, immediately on their arrival & informed him, that the Indians who had come with them would not be ready or willing to go into council with him to day. At their suggestion therefore, and the solicitation of Mr. Warren, The Governor postponed the meeting of the Council until 9 O'Clock tomorrow morning.

Wednesday July 26th

On meeting in Council this morning, in addition to the Indians who have been present heretofore, a large number of others appeared. The following are the bands, to which they principally belong; and the names of their Chiefs.

Bands	Chiefs
From Lake De Flambeau.	Na-wa-ghe-wa, or "The Knee". O-ge-ma-ga, or "The Dandy" Pa-se-quam-jis, or "The Commissioner", and Wa-be-ne-me-ke, or "The White Thunder"
" Lake Coutereille,	We-non-ga-be or "The Wounded Man", and Ke-wat-se, or the Old Man
" La Pointe (On Lake Superior).	Ghe-bish-ghe-e-kow, or "The Buffalo and Ta-qua-ga-na or "Joining Lodges".

Governor Dodge directed that in the future proceedings in the Treaty, Stephen Bouga, and Patrick Quin, should intrepret [sic] from the English language into Chippewa,

and Scott Campbell and Jean Batiste Dubé, from Chippewa into English.

He then addressed the Indians thus:

"My Children of the Chippewa Nation assembled here.

"I have been informed, that since I last met you, your people, whose absence had prevented the proceeding with our Councils, have arrived here.

"I wish now to learn from you, if this is the case, & whether you are ready to proceed. I have before made a proposition to you – which those then present, have, I presume, communicated to the others who have recently arrived, for the purchase of a portion of your territory. You have defered [sic] giving me an answer until your friends should arrive, and as I believe they are now all here, I will renew my proposition to you; and will show you a map, explaining which part of your country it is, that I wish to buy.

"I will now place the map before me, and wish the Chiefs and {0556} Principal Men, and particularly those from that part of the country which I wish to purchase, towit: Lakes De Flambeau, and Coutereille, and the Chippewa, St. Croix, & Rum Rivers & to come forward and examine it with me, as I direct it to be explained to them. And after this examination. I wish you to inform me whether or not you will sell the country to me.

Ghe-bish-ghe-e-kow, or *"The Buffalo"*, (From La Pointe), replied, "My Father. We have come from a distance, and but lately arrived here, and what you have proposed to us, we want more time to think about. The notice that you

have given us is rather too short. Let us wait another day, and tomorrow we will be able to give you our answer".

The Governor, directed it to be said to them, that they could examine the map now & have it explained to them – consult among each other between this & tomorrow morning, & be prepared then, to give him an answer; that he did not wish to hurry them, but that he had already waited patiently for them during several days, and was anxious to bring the business to a close as soon as possible; that he would now be glad to hear any thing from any of the other Chiefs who might wish to speak to him; & that if they desired it, he would remain there until sundown for that purpose.

He then explained the map fully, to the Chiefs and principal men, and repeated to them, that he had been informed, that the country which he wished to get from them, was barren of game, and of little value for Agricultural purposes; but that it abounded in Pine timber, for which, their Great Father the President of the United States wished to buy it from them, for the use of his white children, & that he would give them a fair price for it; that he wished them to understand the Map, & to enable them to do so, had mentioned & pointed out to them natural boundaries comencing [sic] at the mouth of Crow Wing River; thence to Lake St. Croix, thence to the head waters of the Ouisconsin River, & down said river to the Plover portage where the line dividing their Territory from the other Indians comenced; [sic] while on the west the tract would be bounded by the Mississippi River; that he wished them to be prepared to morrow morning, to tell him not only, whether or not they would sell him the land, but their price for it; that he wished them all – but

more particularly those from that part of the country which he wished to buy, to go home satisfied; so that when they met their people there, they might not be ashamed to tell them what they had done; that so many bands of their nation, & from such remote parts of it, had never before, he believed, met together, & that he wished them now to advise with each other, and unite and act together, as one people; that he wished the Chiefs and Wariors [sic] to consult together this evening, and select, out of their number two Chiefs in whom they had confidence to speak for them; that he wished to meet them all in council, but that not more than two of them should speak; that this was done merely to save time, & that they could all consult together, and tell the two speakers what to say to him; that altho' they were of different bands, they belonged to the same great nation, and their interests were in common; that he wished them all to be satisfied with what should be done; that their Great Father The President of the United States would be just towards them, & that they must be just towards each other; that in their consultations he did not wish them to *forget* their Half breed relatives and their traders, but to do them *justice*, also; and that he would be glad now to hear whatever any of the Chiefs might have to say to him".

Pay-a-jik, replied that those of the St. Croix River band who had come in yesterday had chosen him to speak for them, tho' it had always been his custom to sit quiet, and say but little; that he and his friends had talked together, and agreed what to do.

After waiting half an hour or more & none of the other Chiefs or Wariors [sic] rising to speak, The governor again took occasion to urge upon the Indians how important {0557} it was that during their stay here, they should keep quiet among each other, and at perfect peace with the Sioux; that for one of them to strike a Sioux, or a Sioux to strike one of them, might be productive of the greatest harm; that he wished to impress this upon those who had lately arrived, as well as the others; and that he hoped his views and wishes were now fully understood by them; that if they were not, as they were now about to part until tomorrow morning, if they would ask him any questions, he would give such further explanations, as might be necessary.

Several of the chiefs came forward to ask some questions in regard to the map, after which seeming to understand, & to be satisfied with it, and having nothing further to say, The governor adj.[d] the Council until tomorrow Morning.

Thursday Morning July 27th.

The Council met at 11. O'Clock A.M. and the map with the boundaries of the country proposed to be purchased, was again fully explained to the Indians; when Gov. Dodge inquired of them, through the Intrepeter, [sic] whether they were all satisfied upon that point; whether the bands assembled here, were now, all represented in council, by their Chiefs; whether they had selected speakers to speak to for them, as had been suggested to them yesterday – and if so, that they would designate

them; & that these speakers would now communicate their sentiments to him.

They answered each of these questions, in the affirmative, & replied that they had chosen *Ma-ghe-ga-bo*[4] or Latrappe, and Pa-goo-na-kee-zhig (The Hole-in-The day) to speak for them on this occasion.

Ma-ghe-ga-bo then came forward in true Indian costume towit; naked, except as to his leggings, breech cloth and flap; his full head of hair hanging loosely upon his shoulders; a sort of crown upon his head, made for the occasion, & filled with feathers of the Bald Eagle, placed there by the chiefs; and the medals of several of the Chiefs hung round his neck. He advanced to the Governors table with his War Flag, and planted it there, & then turned round and addressed the Indians at considerable length. *Pa-goo-na-kee-zhig* followed him in an address to the Indians.

Ma-ghe-ga-bo, then, with the map before him and his finger pointing to it, said to the Governor

"My Father. This is the country which is the home of many of your children. I have covered it with a paper (he had done so) and so soon as I remove that paper, the land shall be yours. But should the Wind blow it off, that shall not make it so. I have listened closely to the words that the Chiefs have told me to say to you.

"My Father, when we first met here, we smoked and shook hands and talked together. Four times we have gone through the same ceremony, and now on the fifth, we have come to give you our answer. I stand here to

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[4] A War Chief the same who killed Govt. {Robert} Semple

represent the Chiefs of the different bands of my nation assembled here, & to tell you of their determination, to sell to you the lands that you want of them.

"My Father, Listen to me. *Of all the country that we grant you we wish to hold on to a tree where we get our living, & to reserve the streams where we drink the waters that give us life*[5]. I have but few words to say, but they are those of the Chiefs, and very important. What I am now going to say to you, is a kind of history of our Chiefs. The Being that created *us*, made us naked, He created you and your people with knowledge and power to get a living. Not so with us; we had to cover ourselves with moss and rotten wood; & you must be merciful to us. The Chiefs will now show you the tree we want to reserve. This is it (placing an oak sprig upon the Table near the map). It is a different kind of tree from the one you wish to get from us. Every time the leaves fall from it, we will count it as one winter past." {0558}

"My Father, In regard to the lands that you have spoken to us about, you have told us what you want, & I answer you in the name of the Chiefs. I am no Chief, but a Warior [sic]; & the badge that I wear, is not a mark of my bad conduct, but to make myself respected by my people.

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[5] This of course is nonsense – but is given *literally* as rendered by the Intrepeters [sic], who are unfit to act in that capacity. I presume it to mean that the Indians wish to reserve the privilege of hunting & fishing on the lands and making sugar from the Maple

"We have understood you will pay us in goods and money for our lands, and we want to to know now, what amount, you will give us for them".

Govt. Dodge – through the Intrepeter – [sic] "As the land belongs to them, I want them to say, what they wish me to pay them, for it. If they can not come to a conclusion upon this point among themselves, I would recommend to them, to ask the aid of Their Father's (the Sub Agents, Messrs. Vineyard and Bushnell) to assist them. But if they can determine among themselves, let them do so. *Ma-ghe-ga-bo* "My Father. If you offer us money and goods we will take both. You see me count upon my fingers (counting six) Every finger counts ten. For so many years we wish you to secure to us the payment of an anuity [sic]. At the end of that time our grand children who will have grown up, can speak to you for themselves.

"We will consult with our Fathers (The Sub-Agents) and ask them what will be the value of the land, and what we ought to ask for it, for sixty years[6]. My Father, Take the lands that you want from us. Our Chiefs have good hearts. Our women have brought the half breeds among us. They are poor, and we wish them to be provided for (illegible). Some of them are here, and they have left many of their children behind them. We wish to divide with them all. This is the decision of the Chiefs.

"Since we have met here this morning we have fully made up our minds. We have talked it over and over again among ourselves – and we accept your proposition.

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[6] What anuity [sic]

"My Father, we will not look back at what has transpired heretofore, but will commence our business anew with you, from this day[7]. What you propose to give us, we wish to share only with the half breeds, that our people may enjoy the benefit of it. We will hold firmly in our Arms what you give us, that no body may get it from us".

"My Father. We once more recommend our half breeds to your kindness. They are very numerous. We wish you to select a place for them on this River, where they may live and raise their children, and have their joys of life. If I have rightly understood you, we can remain on the lands and hunt there. We have heretofore got our living on them. We hope that your people will not act towards ours, as your forefathers did towards our own – but that you will always treat us kindly, as you do now.

"My Father. We understand you, that you have been told our country is not good to cultivate. It is false. There is no better soil to cultivate than it, until you get up, to where the Pine region commences.

"My Father. You will now see All your Children in whose behalf I speak. All the Chiefs who agree to selling you the land will now rise" [They did so to the number of Thirty, and upwards].

Ma-ghe-ga-bo then raised the paper that he had placed over the Map, took Governor Dodge by the hand and continued

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[7] forgetting what has been *said before*, and alluding to the *Traders*

"My Father, I will not let go your hand 'till I count the number of our villages. The Great Spirit first made the Earth thin, but now it is much heavier[8]. We do not wish to disappoint you and our Great Father (The President of The United States) in the object you had in coming here. We therefore grant you the country, which you want from us; and your Children, the Chiefs that represent all the villages within its limits, are now present. The number of villages (Nineteen) is marked on this paper, and I present it to you in acknowledgement that we grant you the land. This piece (retaining in his hand another piece of paper,) we will keep, because we wish to say something more, on it. At the Conclusion of this Treaty you will ask us to touch the quill[9]; but no doubt you will grant what we ask, before we do so. At the End of the Treaty, I will respect what the Chiefs have to say to you, & keep this paper for that purpose. {0559} My Father The Great Spirit has given us a clear sky to talk together today. We must now rest awhile, and when we meet again, we will speak further".

Governor Dodge. "Do you wish to give me your answer this evening, or to wait until tomorrow morning".

Answer. "Tomorrow morning, and we will consult this evening with our two Fathers (Messrs Vineyard & Bushnell).

Governor Dodge. "It is proper for me to explain to you that your Great Father, never buys land for a term of

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[8] meaning, it was of little value, – but has now become much more so

[9] sign the Treaty

years. I will agree on the part of the President, that you shall have the free use of the rivers, and the privilege of hunting upon the lands you are to sell to the United States, during his pleasure. If you sell these lands, you must sell them as all the other nations of Indians have done; & I tell you this now, that you may not, hereafter, say I have deceived you. Your Great Father has sent me to treat you as his children; to pay you the value of your land; & not to deceive you in any thing I may do with you, or say to you. If you had determined upon asking the assistance of your two Fathers (The Sub-Agents) of arriving at a conclusion in regard to the value of your lands, it is my wish, as well as that of your Great Father at Washington, that they shall do you justice. You have spoken frequently of your half breed relations. It is a good principle in you, to wish to provide for them. But you must do so in money, and can not give them land. You have mentioned your wishes to receive one half of the consideration that I may agree to give you for your lands, in goods, & the other half in money.

I do not object to this, but have a proposition to make to you now, which I wish you to consider. Your Great Father recomends [sic] to you, that you take from year to year the following items in part payment for your lands, towit: certain sums of money, to provide for Teachers to educate your children, & make them wise like those of the white people; for Farmers, and Instructors in Agricultural pursuits; for Agricultural implements and seeds to plant in the Earth; for Provisions, and salt; for tobacco; for Blacksmiths, Iron and Steele &; and for Mills and Millers to grind your corn, and other grain that you may raise. You will determine, whether you will accede to this

proposition, and after consulting with your Fathers (The Sub-Agents) let me know what amount you wish me to pay you, for your lands; and I will be glad to meet you in council at an early hour tomorrow Morning".

The Governor then Adjd. the Council.

Friday Morning July 28th

The Council met at 12 O'Clock N.

Governor Dodge said to the Indians "My Friends, I have met you in council this morning to hear your answer to the proposition I made to you yesterday. I now wish to know if you have made up your minds; and who will speak for you to day. I am ready to hear you".

Aish-ke-bo-gi-ko-zhe (Flat Mouth) with many of the Chiefs came forward, and all shook hands with the Governor, the Secretary, & the Agents; after which *Flat Mouth* spoke thus –

"My Father. What I am going to say, is not the expression of my own will, but that of the Chiefs present. I did not know when I started to come here this morning, that they wished me to speak for them; but I have learned their wishes, since I came here. It is hard for me to say – but it is the wish of the Chiefs, that I should speak to you; & they have appointed me to do so."

"My Father. Your children are willing to let you have their lands, but they wish to reserve the privilege of making sugar from the trees, and getting their living from the Lakes and rivers, {0560} as they have done heretofore, and of remaining in this Country. It is hard to give up the lands. They will remain, and can not be destroyed

– but you may cut down the Trees, and others will grow up. You know we can not live, deprived of our Lakes and Rivers; There is some game on the lands yet; & for that reason also, we wish to remain upon them, to get a living. Sometimes we scrape the Trees and eat of the bark. The Great Spirit above, made the Earth, and causes it to produce, which enables us to live.

"My Father. We would have determined long ago to let you have these lands; but when we have agreed upon any point, there have been people to whisper in our ears, and trouble and distract us. What the Chiefs said yesterday they abide by. They can not look back and change.

"My Father. The Great Spirit above, placed us on this land; and we want some benefit from the sale of it. If we could derive none, we would not sell it; and we want that benefit ourselves. I did not intend to speak. What I say is the language of the Chiefs. They came to me, and asked me to speak for them. I will soon be through. I was not in council yesterday because I was not well. I have heard many things said – that we were going to put out the fires of the white people in our country, that we were going to send the Traders out of it, & so forth. But I know nothing of it; and when I speak it is not with sugar in my mouth.

"My Father. Your Children are rejoiced to day to see the Agents here, one of whom is to live on Lake Superior, and the other on the Mississippi, to keep peace in the country. We are pleased too that our Agents are here, that they may estimate the value of our lands, that our Young men, women, & children, may go home, with their hearts at ease. We will wait to hear what you offer to give us for the lands, & will then make you our answer.

We will depend upon our two Fathers (Agents) to interest themselves for us; and will submit it to them, whether, what you offer us is enough. Yesterday when I came down after the Council, to see you, & told you I was going home, you asked me to wait; but I did not then know that I should be asked to speak to day – and I never wish to hide any thing, when I do so".

"This is all I have to say now; but I may have omitted something – and some one else may wish to speak to you. Wait a few moments, to afford them an opportunity to do this; & then we will wait for your offer. I have spoken my sentiments openly to the Americans now here, as I would do to all of them, and to the English, the French, and the people of all other nations.

"My Father. The reason of my telling you yesterday that I was going home, arose from the many reports going back & forth, which I was tired of hearing – and not from any desire to mortify your feelings, or out of disrespect to you. I now give way, as some of your other Children may wish to speak to you".

After an interval of a few minutes *Flat Mouth* again advanced, and said

"My Father, I came forward again to speak to you. There are many of your children here from a distance, and among them, one of my relations, who I have just seen. They wish me to speak to you, for them. Three of them, are Chiefs from the Chippewa River; & what they say, is the opinion & wish of the people living there. So, they tell me, to say to you. They have granted a privilege to some men, of cutting timber on some of their lands; for

which they are paid in Tobacco, & ammunition, for hunting. They wish you not to break their word with these people – but to allow them to continue to cut Timber. They have granted you all you asked of them – & they wish you now to grant their request".

Governor Dodge "My Friends. I have listened with great attention, to your Chief, from Leech Lake. I will make known to your Great Father, your request to be permitted to make sugar, on the lands; and you will be allowed, during his pleasure, to hunt and fish on them. It will probably be many years, before your Great Father will want all these lands for the use of his white Children. As you have asked me what I will give you for the country, I will now tell you; & will recommend to you, the manner in which I think it ought to be paid to you. {0561} In full consideration for that part of your country which I wish to buy from you, I offer you the sum of Eight hundred Thousand Dollars ($800,000). I propose to give you an annuity for Twenty years, of $20,000 (Twenty thousand dollars) a year, in goods and money, one half in each – or all in goods, if you choose; To apply $3000 dollars a year for the same length of time, for providing you with Three Blacksmiths with their shops & implements, of labor, to be placed at different points in your country – for Provisions and Cattle $4000 dolls [sic] a year – for building Mills, and paying Millers to attend them 2000 dollars a year – For Agricultural Implements – hoes, ploughs & & Farmers to teach you how to cultivate your lands 1000 dolls [sic] a year – for schools, in which your Children may be taught to read and write like the whites, 1000 a year – & for Tobacco 500 dolls [sic] a year for 20 years.

"These are the provisions I propose to make for you. The matter will be submitted to your Fathers (The Sub-Agents) who you have chosen, to consult with, in regard to it. As you have spoken of your half breed relatives, I wish each band of your nation assembled here, to name to me, all the half breeds connected with it; and I will recommend to you, as an act of benevolence, to donate to them, the sum of $100,000. I will also recomend [sic] that you pay your creditors, such amounts, as, upon examination, may be found justly due to them – & that the sum of $70,000 be applied to that purpose. These different sums will make up the amount of 800,000 dolls [sic]. This paper will now be submitted to your Agents for their consideration, & if you detirmine [sic] that your Creditors shall be paid, you had better let them take their accounts also, and let them be settled up to this date.

Aish-ke-bo-ge-ko-zhe (Flat Mouth) "My Father. I rise once more to speak to you. We have listened to what you have said to us, & I am requested by the Chiefs to reply. You have mentioned the different sums you will pay us, and have spoken of our creditors. My Father. I wish the lands we are selling to day were mine! If the accounts of the Traders ought to be paid, why will not our Great Father help us to do it? Many of those of our people who owed them, are perhaps long since dead. Your children are rejoiced at the amounts which you have mentioned you would pay them; But wish you to appropriate the sums, that you have proposed to apply for them in *Cattle* and *schools*, to the purchase of goods also.

"My Father. Your Children wish that all the different sums be paid to *themselves*, and they will hold closely onto them. As to the payments to the Traders, we will

look to our Great Father for his assistance. My Father. If it was my land you was buying. I would, instead of an annuity for only 20 years – demand one from you, as long as the ground lasted. You know that without the lands, and the Rivers & Lakes, we could not live. We hunt, and make sugar, & dig roots upon the former, while we fish, and obtain Rice, and drink from the latter.

"My Father. Those in whose behalf I speak, wish you to supply them with goods also, instead of the *Mills*, that you have proposed to provide for them. They now understand the different sums as you have set them apart".

Governor Dodge. "I only make the recomendation [sic] to you, in regards to your half breed relatives, and The Traders, as an act of kindness to the former, and of justice to the latter. But it is for you to say how it shall be. The whole amount, including the 100,000 dollars proposed to be given to the half breeds, & the 70,000 to be paid to the Traders, will be yours, to dispose of, as you shall direct, on consulting among each other – & with your Agents.

Flat Mouth. "My Father. Had I known that such matters would occur as have take [sic] place here, I should never have come. If I had thought that these old accounts were to be brought up against us, I would have stayed away.

"My Father. Where are our young men, that have hunted {0562} for these Traders – and supplied them with their Furs? They have, when upon their hunting excursions for them, been killed off by the Sioux – and swept away. Where have they got the Fish that they have eaten, and the wood that they have burned? They were

caught from our Lakes, & Rivers, and taken from our Land – And they talk to us about paying them our debts!

"My Father. If I were to repeat all that has occurred for many years back, since the Traders have been among us, I should have a long story to tell. What I now say to you, expresses the wishes and sentiments of my friends and relations, who are here. The lands to be sold are not mine. I have no claim to them. I live here like a beggar on charity. They divide with me, what they have to eat.

"My Father. I never look back, and will hold to what I have said to you.

Govr. Dodge. "My Friends If you have nothing further to say now, we will adjourn to meet again early tomorrow, when I shall be fully prepared, & I wish you to be so, to finish our business – And then the Govr. Adjd. the Council.

Saturday Morning July 29th

The Council met at 12 O'Clock N.

Govr. Dodge said to the Indians

"My Friends. When the council adjourned yesterday you had selected your two Fathers (The Sub-Agents) to examine for you into the amount, which I have offered to give you for your country, and the manner of its payment. I have confered with these two gentlemen, and they agree that the amount offered is a fair price for the lands, and approve of the arrangement which I propose in relation to the payments.

"There is one subject which it is necessary for you now to detirmine [sic] upon. It is, whether you will make any donation to your half breed relatives; & if so, how it shall be paid to them.

"I submit that matter to you for your consideration, and will wait until you decide upon it".

The Chiefs sat down to council together, and a few minutes there-after, a large number of Braves, or Wariors [sic], approached the council Lodge, singing and dancing, with their war flag flying, & in their war costume – but without arms. They were accompanied by two or three chiefs, and on entering the Council[10], *Sha-go-bai* (The Little Six) advanced to Governor Dodge and spoke thus.

"My Father. I address myself to you, and wish you to repeat my words to our Great Father at Washington.

"We are the Braves of our different bands assembled here, and we wish to say something to you. It is your desire, as we have understood you, and from our fathers here (the Sub-Agents) that the people here should all go home satisfied. The Braves of the different bands have smoked and talked together. You now see them all before you. They have not come here to undo what our Chiefs have done – but to ask a favor of you. They take you by the hand, and would like to see your wish accomplished, that all should return home in peace. But they are afraid to return home, if their traders are not paid. They fear they should not survive during the winter without their

[10] Sha-go-bai is a petty chief, and placed himself at the head of the Braves as a peace maker; to conciliate both them and the Chiefs

aid. It is the wish of the Braves that you should pay the Traders; but they do not want to undo what the Chiefs have done.

"My Father. You see your children that are here. They are many. But they are only a small portion of their whole nation.

"They wish you to give them something more, than you have offered them for their lands. They think it is not quite enough. You have established two agencies, one here, and the other at the Sault de S^t Mary. It is now more than Twenty years since you have assisted your children at these places. But those {0563} now before you, have never gone to either of them to beg. My Father. You come now to buy our lands from us; & why do you offer us so little for them. The speaker who told you that we ought to be paid for them for sixty years, expressed our opinions. This is the wish of all the Braves here. If you will accede to what has been mentioned in regard to the Trades, they will come forward and "touch the pen" (sign the Treaty). We have told you what we want, and after hearing what is to be granted to us, we will go, & prepare to return home.

"My Father. What I have spoken to you, is the wish of the Braves before you. If you agree to what they propose they will be ready to take you by the hand and close the bargain. If not, they will retire and go home peaceably. They will now wait your answer".

Governor Dodge, to Shag-o-bai. "Would the sum of seventy Thousand Dollars, applied to paying all the demands of the Traders against you, satisfy you all"?

Shag-o-ba, after consulting with the Braves, and several of the Chiefs, answered that it would satisfy them.

Governor Dodge to the Intrepeter "Say to the Chiefs that I have listened to the words of the Braves, and it is to them (the Chiefs) that I now speak. It is the wish of the Braves it appears, that their Traders should be paid. The sum of 70,000 dollars, it is believed will cover all their just demands; & they ask that that amount shall be paid to them. I want them to be satisfied. I wish *all* to be satisfied, that they may take each other strongly by the hand. To reconcile all, I will agree to pay the seventy Thousand Dollars, in addition to what I have already offered them for their lands – and that is all I will give them. I want now to hear what they have to say upon that subject".

The Hole-in-The Day – evidently under high excitement first addressing himself to the Chiefs said! "Chiefs what we agreed and determined upon yesterday; shall consent to undo, when my head is severed from my body and my life no more – We must abide by it, firmly".

"Braves! There are many of you – but none of you have done what I have – nor are any of you my equals!! – Our Father wishes us to go home in peace." Then turning 'round and addressing the Governor, he proceeded,

"My Father, Listen to me – my words shall be few. What the braves have come and told you must be true, & should be listened to. The Great Spirit who placed us on this Earth hears both you and me. He put us upon it to live. Yesterday in council The Chiefs told you what they would do. They are perfectly content with that arrangement, & they abide by it to day.

"Death alone shall prevent the fulfilment of it on my part; And I call the Great Being to witness what I say. We agree to what has just been done, & are satisfied with it"

"My Father. The country that we are selling to you is not land that we have borrowed, but that has descended to us from our forefather. The Chiefs now before you are the descendants of those who occupied it many years ago; and some of them live upon the lands we are selling you. They are now all satisfied with what you proposed to them, to day as well yesterday – and the Great Spirit hears it".

Governor Dodge "Chiefs and Braves, I am much pleased to hear that you are all satisfied. You are brethren of the same great Nation. I met you at peace, and want you to be so, when I part from you. I hope the most friendly understanding will continue to exist between the Chiefs and Braves, as well as between them both and their Traders.

"It is the duty of the Braves to be obedient to their Chiefs (applause from the Indians). They should listen to them in peace, and obey them in War. Both chiefs & Braves should respect the Traders and treat them justly and kindly, that harmony and good feeling {0564} may exist among you all; & that you may be serviceable to each other."

Sha-go-ba (The Little Six) "My Father. Your children have listened to you. You have done what is good for us. We know you came here to do what was right, and to keep peace. It is our duty to encourage others to be upright and act justly. I speak to you the sentiments of both the chiefs and the Braves.

"My Father Listen now to what they have told me to say to you. It has reference to one of our traders. You came here to do good, and allay bad feelings. I came here this morning with my Braves, and asked a favor for the Traders, which has been granted. Let them now give us, our friend who they have in Jail[11]. (a loud response of assent from the Indians)

Governor Dodge, to the Intrepeter, "Say to them that their friend is in the hands of our Laws, and of their Great Father The President of the United States – That neither I or the Traders have any power over him – That he will be judged by the Laws, & his case then submitted to the President, who will do him justice.

Shag-o-bai. "My Father. I speak to you again at the request of the Chiefs and Braves. We do not know whether you have a control over all the Traders; but we wish you to aid us, by speaking to them in our favor, as you have done to us, in theirs. There are some of them who have dealt severely with us".

Governor Dodge. "It is my duty in the relation in which I stand to you, to see justice done to you, and so far as it is in my power, I will do it in all things.

I hope the Traders will have a proper respect for your rights & that you will respect those of the Traders. We are now done with that subject, & I wish to know your decision with regard to the half breeds.

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[11] A son of one of the Traders was killed a short time since by an Indian, who is now in confinement at Prairie-du-Chien awaiting his trial

Son-ga-ko-mik (The Strong Ground. "My Father. We are now bringing to a close what we have been so long talking about. In regard to the Half Breeds you will be answered by some other Chief, I speak upon another subject. Look at your Children My Father, & notice their clothing. At the end of the year we wish you to bring such articles for us. We do not know the value or use of money, & don't want it. See our women too, & the Articles they wear, & bring such for them. Kettles are very useful to our people and you must not forget them. With guns we get our living, & them you must remember".

It was intimated by some of the other Chiefs that they would prefer to receive, a part of their annuity in money.

Pe-The-ke (The Buffalo from La Pointe) "My Father, you have come here and got all your children together as if you wished to embrace and treat them kindly. We approve of what was said and done yesterday, in regard to the half breeds. I am an Indian and do not know the value of money, but the half breeds do, for which reason we wish you to pay them their share in money. You have good judgment in whatever you do, and if you do not act yourself, you will appoint some one else to dididе [sic] it between the half breeds.

"We wish you to do this; for if they were to divide it themselves they might cheat each other. But if you appoint some one to do it, it will be fairly done. It will be as you please. You will either direct it to be done by our two fathers (the sub-agents) or whoever else you may choose. I have good reasons for saying to you, what I

have just said; for at a certain Treaty held heretofore, there were some got rich, while others received nothing".

Governor Dodge. "My Friends What you have said shall be considered; and your wishes attended to. It will now take some two or three hours to prepare the Treaty & have copies made of it, when I wish you to meet me here again, {0565} will read it by articles, so that every word may be clearly conveyed and understood by you. Three copies of the Treaty are prepared, of which one will be sent to your Great Father The President of the United States, for him to keep, one delivered to yourselves, and the other kept by me".

The Secretary then read The Treaty in the following words:

"Articles of a Treaty made and concluded at St. Peters (the confluence of the St. Peters and Mississippi Rivers) in the Territory of Wisconsin, between the United States of America, by their Commissioner Henry Dodge, Governor of said Territory, and The Chippewa Nation of Indians, by their Chiefs and Head Men."

"Article 1. The Chippewa Nation cede to the United States all that Tract of country included within the following boundaries: Beginning at the junction of the Crow Wing and Mississippi Rivers betwenty [sic] and Thirty miles above where the Mississippi is crossed by the Forty Sixth parallel of North Latitude, and running thence to the North point of Lake St. Croix one of the sources of the St. Croix River; thence to and along the dividing Ridge between the Waters of Lake Superior & those of the Mississippi to the sourcess [sic] of the Ocha, Sua Sepe, a tributary of the Chippewa River; thence to a point on the

Chippewa River Twenty miles below the out-let of Lake De Flambeau; thence to the junction of the Wisconsin and the Pelican Rivers; thence on an East course Twenty Five Miles; thence Southerly, on a course parallel with that of the Wisconsin River, to the line dividing the Territories of the Chippewas and Menomines; thence to the Plover Portage; thence along the southern boundary of the Chippewa Country, to the comencement [sic] of the boundary line dividing it from that of the Sioux half a days march below the Falls on the Chippewa River; thence with said boundary line to the mouth of Wah-tap River at its junction with the Mississippi; & thence up the Mississippi to the place of beginning."

"Article 2. In consideration of the cession aforesaid the United States agree to make to the Chippewa Nation annually for the term of Twenty years, from the date of the ratification of this Treaty, the following payments. 1. Nine Thousand Five Hundred Dollars to be paid in Money.

2. Nineteen thousand dollars, to be delivered in goods.

3. Three Thousand dollars for establishing three Black Smiths shops, supporting the Black Smiths, & furnishing them with Iron and Steel. 4. One Thousand Dollars for Farmers, and for supplying them and the Indians; with Implements of labor, with grain or seed; & whatever else may be necessary to enable them to carry on their Agricultural pursuits."

5. "Two Thousand Dollars in Provisions."

6. "Five Hundred Dollars in Tobacco."

"The Provisions and Tobacco to be delivered at the same time with the goods and money to be paid, which time or times, as well as the place or places where they are to be delivered, shall be fixed upon under the direction of the President of the United States."

"The Black Smiths shops to be placed at such points in the Chippewa Country as shall be designated by the Superintendent of Indian Affairs, or under his direction.

"If at the expiration of one or more years, the Indians should prefer to receive goods, instead of the Nine Thousand Dollars, agreed to be paid to them in money, they shall be at liberty to do so. Or, should they conclude to appropriate a portion of that Annuity to the establishment of a school, or schools among them, this shall be granted them".

Article 3. The Sum of One hundred thousand dollars shall be paid by the United States to the Half Breeds of the Chippewa Nation under the direction of the President. It is the wish of the Indians that their two Sub-Agents Daniel P. Bushnell and Miles M. Vineyard super-{0567} intend the distribution of this money among their half breed relations":

Article 4. The sum of Seventy Thousand Dollars shall be applied to the payment, by the United States of certain claims against the Indians; of which amount Twenty Eight Thousand Dollars shall at their request be paid to William A. Ailkin; Twenty Five Thousand to Lyman M. Warren, & the balance applied to the liquidation of other just demands against them – which they acknowledge to be the case with regard to that presented by Hercules L. Dousman, & they request that it be paid".

Article 5. The privilege of hunting, fishing, & gathering the wild rice, upon the Lands, The Rivers and The Lakes included in the territory ceded, is guarantied [sic] to the Indians, during the pleasure of the President of the United States.

Article 6. This Treaty shall be obligatory from and after its ratification by the President and Senate of the United States".

"Done at St. Peters in the Territory of Wisconsin the Twenty Ninth day of July, Eighteen hundred and Thirty seven." {0566 – Note: frames 0566 and 0567 are transposed on the microfilm.}

The Treaty was then signed by Governor Dodge (and great eagerness was evinced by the Indians to see him do so – some of them declining to sign it, until he had, to satisfy them, run the pen a second time over his name) when it received the signatures of between Forty and Fifty of The Chiefs, Head Men, & Wariors [sic] present, with the names of some Twenty witnesses appended, and was concluded.

The Indians having declined to name a Chief to whom their copy of the Treaty should be delivered for safe keeping, Governor Dodge addressed them as follows:

"Chiefs and Wariors [sic]: I have asked you to name one of the number of your Chiefs, who should take your copy of the Treaty which we have just signed, & keep it safely as a sacred instrument. You decline to do so, & it becomes necessary and proper, for me to name one. I will had it to the man who was the first among you to give it

his signature. Note [*Many of the other and older Chiefs, evincing a reluctance, & hesitating to step forward, Pagoona-kee-zhig, or The Hole in The Day, did so promptly, with his characteristic intrepidity, offered his signature to the Treaty.] He is to keep it for all your people to look at, and know what it is; and each of your Agents will be supplied also with copies.

"My Friends I regret that on parting with you after our long conference, I have not Medals to give to all of your Chiefs, and Flags to all of your Bands. Your conduct on this occasion, marked throughout by the utmost decorum propiety [sic], and good sense, well merits something of the kind. But you shall have them when your first annuity is paid to you. These Medals & Flags have to come from your Great Father at Washington.

"I will see him soon, and he will furnish me with them for you. I am very sorry too, that I have not more presents to make you. All the ammunition that I have is 10 Kegs of Powder; and 900 lbs. of Lead to be given to the Chiefs, to distribute among the Braves & Wariors [sic] of the different Bands. This small goods, which I have, will be fairly distributed through the different Bands. & I wish there were many more of them. Supplies of provisions to take you home, will be immediately procured, and apportioned equitably among you by your Agents. I will remain here a day or two longer, to see that all that can be done for you now, is properly arranged.

"We are now about to part my friends, and it may be some time before we meet again. I expect however to make an excursion through your country next summer when I hope I shall meet many of you. I will recomend

[sic] you to your Great Father the President, as a good people, who deserve the confidence and friendship of Our Government. And although you are far away from him, and scattered over a great extent of country, he will often think of you, and never forget you. I trust you will now return peaceably to your homes, and not shed the blood of any man. I hope to hear that you have made no attack upon others, unless first attacked yourselves, & in self defence [sic]. I repeat to you, that if any of the Sioux strike you, or you them, the blow will fall upon me and your Great Father the President, at the same time. They have been told not to molest you, and you have shaken hands with them in friendship.

"I trust that on parting from each other, you will strengthen the grasp, and let it be a pledge of perpetual peace among you.

"Your Great Father will see the Sioux, in a short time, at Washington, & will tell them, from his own mouth, that they must live in peace. He is determined that the hands of his Red Children shall no longer be stained with the blood of each other.

"I recommend to you, to listen closely to the words, and to be governed in your conduct by the advice, of your two Fathers (The (Sub Agents). They have been selected by your Great Father to be your friends, & I know they will tell you the truth, & advise you for your own good.

"The Treaty which we have now made will bring us oftener together hereafter, and I hope always, as friends" – And then the Governor adjd. the Council *Sine Die*. {0568}

Dodge To Harris (August 7, 1837)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0055

Prairie Du Chien, August 7th, 1837

Sir:

On the receipt of your instructions dated on the 13th of May last for holding a Treaty with the Chippewa Indians, I without delay addressed General William R. Smith of Pennsylvania, associated with me in the Commission, informing him of the time and place appointed for treating with the Chippewas.

I regret that from causes which tha t gentleman will no doubt explain to you, he was not present at the Treaty ground. Your letter of instructions did not designate the particular Bands of the Chippewa Indians it was intended to treat with, for a part of their country; and these Indians not having ceded to the United States any part of their country on the upper Mississippi, I deemed it a subject of the first importance, that as many of the different Bands should be present at the treaty ground, as could be collected for the purpose of fully meeting the views of the Government, as well as to produce harmony and concert among the Indians themselves. Mr. Vineyard, Sub Agent for the Chippewas, was directed by me to repair to near the sources of the Missi̇ssippi, to notify the different Bands residing there at the time and place of holding Treaty. The Bands residing on the Mississippi were fully represented. I also directed Mr. Bushnell the other Sub-Agent for the Chippewas residing at La Pointe on Lake

Superior, to notify the Indians of his Sub Agency of the time and place of meeting.

He attended the treaty ground with the Chippewas from La Pointe, from the St. Croix and Chippewa rivers, and from Lake De Flambeau and Courteareille. The Indians from Fond du Lac near the head of Lake Superior, crossed over to the Mississippi, and descended that river to the Treaty ground.

On my arrival at St. Peters on the 15th ult. I found assembled at that place upwards of a thousand of the Chippewas. They had been notified to meet there on the 20th ult. On that say I met the Chiefs, Head men and Warriors in council. My colleague Genl. Smith not having arrived, I had doubts as to the propriety of holding the Treaty alone. After however fully reflecting upon the subject, I determined to proceed with it, hoping Genl. Smith would arrive before its conclusion.

It would have produced much discontent on the part of the Indians, to have permitted them to return to their homes, without having concluded a treaty with them, and I am convinced it would have been difficult to have again assembled them.

The country which I proposed to purchase from the Chippewas, I considered of the first importance to the people of the States of Illinois, Missouri, and the Territory of Wisconsin, for its Pine Timber, and I was satisfied in my own mind that if a purchase was not made of this pine region of country, by the United States, there was great da nger of our citizens being brought into a state of collision with the Chippewa Indians, that would have

resulted in bloodshed, and perhaps war. The country purchased is of large extent, containing from nine to ten millions of acres of land, and abounding in Pine Timber. A part of it, is represented, as being well suited to Agricultural purposes, and discoveries are represented, to have been made of copper on the St. Croix and Rum Rivers, and near Lake Countereille.

In defining the boundaries of the country purchased, I found it necessary to explain to the Indians by designating natural boundaries. The line between the territory of the Sioux and Chippewas commences near the Falls of the Chippewa River, and runs from thence to the Mississippi, which it crosses at the mouth of the Wah-tap. From this point I bounded the territory purchased, by the Mississippi to a point opposite its junction with the Crow Wing river; from thence a direct course to the head of the St. Croix River, and following the dividing ridge between the waters of the Mississippi and Lake Superio r to the head of the principal branches of the Chippewa River, from thence to a point on the Chippewa twenty miles below Lake Flambeau thence to the junction of the Wisconsin and Pelican Rivers; thence twenty five miles east of the Wisconsin; thence parallel with the course of the Wisconsin to the boundary line between the Chippewa and Menominees, & running with that line to the Plover Portage, thence with the line between the Chippewa, Menominees and Winnebagoes, to near the Falls of the Chippewa River. It is only by natural boundaries that Indians can be made to understand the divisions of their country.

The consideration money I agreed to pay the Indians for the country purchased of them, under the Treaty

stipulation, I believe to be a fair equivalent for it; and in the manner of making the payments I have endeavored to conform to my instructions from your Department.

I found it necessary however to consult the wished of the Indians on that subject & to yield to them in part. To succeed in Treating with the Chippewas it is absolutely neccessa ry to make provision for their Half Breeds as well as their creditors. To harmonize these conflicting interests was the most difficult part of my negotiations with the Indians. My Accounts for disbursement made during the Treaty will be presented for settlement on my arrival at Washington next month. Mr. Van Antwerp the Secretary of the Commission will present you the Treaty made with the Chippewas, and the enclosed documents. I have found this gentleman capable and efficient in the discharge of his duties, and will refer you to him for such useful information in relation to the treaty.

(Signed) H ENRY DODGE, U. S. Comr.
for treating with the Chippewa Indians.

To the Hon.
C. A. HARRIS
Comr. Ind. Affs.
Washington.

Boutwell To Greene (August 17, 1837)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0054

W. T. Boutwell to David Greene

[A.B.C.F.W. MSS. 141: no. 172 – A.L.S.]

La Pointe Aug. 17 1837

To Rev. D. Greene)
)
Sec. A.B.C.F. Missions)

My dear Sir

Your favors of May & June, were duly recd. It is but a few days since I reached this place from St. Peters where I attended the treaty at the request of some of the principle [*sic*] Inds. of Leech Lake.

The entire aspect of things in the interiour has changed since last winter when I addressed you.

1st The Inds. at Leech Lake – I mean the principle men have requested me to remain.

2nd The threat of Mr. Aitken to abandon the interiour posts of trade is not carried into effect – on the contrary the clerks are sent back to all the posts save one – Red Cedar Lake where his son was killed.

Again, at the last treaty held at St. Peters July 20th with the Chip.y Nation, they have ceeded [*sic*] to our Govt. their country as high as the 46° on the Mississippi – Crow Wing River is named for the sake of affording the idea of a natural boundary fixed & definite in the Inds.

mind, to the upper St. Croix Lake, ~~thence~~ near the source of the Brule & thence across the Lac du Flambeau. They are to recieve their annuities for 20 years, but can remain on the lands only during the pleasure of the Pres. The day after the Inds gave up their country some dozens of speculators rushed into the country & as I came through to this place I found one here who had taken possession of a mill seat & another there who had selected a pinery. Here they are in the neighborhood of Pokegoma, making preparations for the speculation before the treaty is ratified. It is the opinion of several better capable of judging than myself that should the treaty be ratified another season will bring not less than 1000 speculators into the St. Croix. I could not see bro. Ayer on my return, & therefore feel much embarrassed in deciding on duty whether to join him or return to Leech Lake.

As weknow not when it will be the Presidents good pleasure to remove the Inds. whether in 5, 3 or even 2 years & as the Pillagers have requested me to go back I feel that the Lord calls me to go again. Did I consult my ease or comfort I should remain at Fond du Lac or go to P. with brother A. You may think me presumptuous, but I am much mistaken if our Govt. are not involved in trouble with the Chipys before 5 years should they attempt to remove them.

For Gov. Dodge the Commissioner I entertain the highest respect – but the Inds. have no idea of leaving their country while they live – they know nothing of the duration of a mans pleasure. Estimates have been made by one & another, & the cost per. acre will fall between 5 & 8cts. The Inds. recieve $800,000 – 70,000 over & above the 800,000 are appropriated to cancel old claims which

came in by thousands & tens of thousands. Forgive this digression.

In view of the whole subject – the state of things present & prospect of the future I feel it desirable to hold on at L. Lake, for my brethren will ere long join me if they teach Inds. & to abandon Inds. when they ask you to remain, may bolt the door 7 times when you would enter ever after.

I shall feel it my duty & privilege to comply with the requisition of Committee in regard to the subject of economy. I am unable to get my bills entire before I leave. While at St. P. I incurred more expense for the Inds. by way of provisions, than I should have done had I been apprized of the contents of the circular at that early hour.

I drew on Mr. Tracy N.Y. for the sum of $55.55 I don't yet find ~~means to~~ a person to transport my supplies from St. P. else I should do my business there.

We are greatly straightened in ourselves, but not in the Lord. He has been better to us than our fears. We will still trust in Him & go forward.

With much respect & esteem I subscribe myself yours in Gospel bons,

W. T. Boutwell.
[Postmark:] MACKINAC
OCT [date faded]
[Addressed:] Rev. David Greene
Missionary Rooms
Boston

[Endorsed:] Rev. W. T. Boutwell
Date Aug. 17, 1837
Rec^{d} Oct. 11.
Ans^{d} Oct. 12. D.G.

Dodge To Harris (May 18, 1838)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0057

Washington City

May the 18th 1838

Sir

In the relation I stand to the Indian Department of the Government as well as to the people of the Territory of Wisconsin I deem it my duty to submit to you my Views on the Subject of the late Treaties made with the Winnabago Chippewa & Sioux Indians with my reasons in favor of their ratification by the United States Senate from the best information I have been able to obtain as to the extent of the cessions of Country made by these Nations of Indians I have no hesitations in saying that the Considiration money agreed on the part of the government is a fair equivalent for the Country purchased of them: from the Proximity of the Winnabago Country to our settlements, the Winnabago Indians commit frequent intrusions on the Stock and other property of the citizens on our Border settlements immediately south of the Wisconsin River and unless they ~~Indians~~ are restrained the killing of the Winnabago Indians by the whites will be the result their immediate removal will be the only means of preserving peace with them I have been well acquainted with the Winnabago Indians for Two years I have always considered them hostile to the Whites and Nothing but

fear has restrained them from Open acts of hostility they are reckless in feeling and their Minds prepared for the most desperate deeds as to the extent of Country the Winnabago Indians have ceded the U States it contains at least five millions of acres of Land the amount agreed on as the Consideration Money One Million four Hundred Thousand Dollars is certainly less than the value of the Country purchased of the Winnabago Indians it is well know that the Country in question contains Large quantities of Lead Ore and in addition to its agricultural advantages it embraces a Large extent Fronting on the Mississippi Wisconsin & Prairie LaCross Rivers which adds much to the value and importance of the Winnabago Country, the consideration agreed on between the United States Commission and the Chippewa Indians in the purchase of that Country was considered by all present at the Treaty ground and by those who were well acquainted with the country in question its extent and resources a last Equivalent the number of acres of Land was estimated at from nine to Ten millions the value of the Chippewa Country consists in its extensive Pine Forests, Pine Lumber could be furnished cheap & abunda from the St. Croix & Chippewa Rivers for the use of the Citizens of Wisconsin Illinois & Missouri Mills have already been erected within the limits of the Country purchased of the Chippewa Indian and their is at this time more than two hundred individuals engaged in making improvements and preparing Rafts of Pine Timber to descend the St. Croix & Chippewa Rivers from my knowl of the Chippewa Indian I sincerely believe if the treaty in question is not ratified and the Whites are not immediately removed from the Chippwa Country a war with

them may be expected immediately, the ratifications of the purchase made of the Sioux Indians is of the first importance it will be the extinguishment of all their Title East of the Mississippi the St. Croix and Chippewa Rivers enters the Mississippi within the Limits of the purchase made of the ~~Chippewa~~ Sioux Indians in addition to a large and valuable extent of territory Fronting on the Mississippi for more than two Hundred Miles the war that has heretofore existed Between the Sioux & Chippewas East of the Mississippi will cease by the removal of the Sioux Indians west of that River

I will in conclusion state that I _____ acquainted with many of the Principal Chiefs and Men of the Winnabago Sioux and Chippiwa [sic] In and I have no hesitation in expressing my opinion the rejection of the treaties in question by the United States Senate and the occupation of the Indian Country by the whites will produce war with the Indians that will lead to the more fatal consequences to our Frontier Inhabitants

I am with great Respect
Your Obt Servant
Henry Dodge
Supt. Ind.Affs

The Hon
C. A. Harris
Commissioner of Ind. Affs
Washington City

Dodge To Harris (October 1, 1838)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFFS' EXHIBIT: P-0060

Superintendent of Indian Affairs
for the Territory of Wisconsin
Mineral Point – October 1, 1838

Sir,

I have had the honor to receive by mail yesterday evening your several letters dated on the 6th, 7th, & 8th Ultimo. From the advanced state of the season I fear it will difficult to convene the Chippewa Indians to make their first annuity payments under the late treaty satisfactory to them. I will leave this place early tomorrow for Prairie du Chean and will immediately on my arrival at that place send an express to Mr. Vinyard sub agent for the Chippewa Indians now at St. Peters. I will direct Mr. Vinyard to send an express to Mr. Bushnell, the subagent at Lapoint on lake Superior. I will instruct the two sub agents at Lapoint on Lake Superior. I will instruct the two sub agents of the Chippewa Indians to collect the indians of their sub agencies with as little delay as possible to receive their annuity money, goods, provisions, etc. Major Hitchcock, the disbursing agent for the Indian Dept., has forwarded the annuity money from the Chippewas to St. Peters. And from the words of Major Garlands letter from Detroit the annuity money, goods and provisions to distribute to the Chippewas has been forwarded to Lapoint some time since. From the distance from St. Peters to Lapoint and the difficulty attending the convening the Chippewas to the latter place I have determined to collect

the bands bordering on Lake Superior to Lapoint to be paid at that place and the bands belonging to the Crow Wing sub agency to the falls of the St. Croix or near that place to receive their annuity payments. I am informed a number of the Chippewas are now waiting at the falls of the St. Croix to receive their annuities. From the best information I have been able to obtain there is now not less than five hundred people within the limits of the Pine Region of country ceded by the Chippewa Indians to the U States by their late treaty. I deem it a matter of the first importance that the indians who have heretofore occupied and claimed that country should be satisfied as far as they can be made so to produce a friendly understanding between them and the people who are in the occupation of the Pine Region, building mills preparing rafts of timber to descend the river and many are making improvements to remain in that country during the next winter. I will do everything in my power to carry into effect the provisions of the Chippewa treaty. I enclosed now by the late mail a talk held with the Winnebago Indians of the Portage. At this place in my letter accompanying my talk I suggested the propriety of retaining a part of the annuity money for the Winnebago Indians at Prairie du Chean until the wishes of your dept could be made known for the benefit of the Portage Indians. I have been informed this morning that the greater part of the Portage Indians had descended the Wisconsin River and had gone to the Portage Painted Rock to receive their annuity payment. This I hope will have a good affect in removing the Winnebago Indians residing near the Portage of the Wisconsin and Fox Rivers to the country west of the Mississippi. Your instructions in relation to the

distribution of the remaining amount due the Menominee Indians under the treaty of 1836 will be attended to as directed by your dept.

I am with great respect
your obedient servant

Henry Dodge
Supt. Indian Affairs

To the Hon.
C. A. Harris

Com'r of Indian Affairs
Washington City

Bushnell To Dodge (February 13, 1839)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0169

NAM M 234 R.948. [MN 010379]. February 13, 1839.

Bushnell to Dodge.

I have recently been informed of the resignation of Mr. Vineyard Sub Agent for the subagency of Crow Wing river, and hereby volunteer to take charge of all the Chippewas in Wisconsin. Any one acquainted with the habits of this portion of the tribe, and the location of the different Bands will perceive at once the propensity of committing their charge to one officer, lest his title be agent or Sub Agent. An agency while it does increase the pay of the officer in charge, which it must be acknowledged is now altogether absurd would ultimately be attended with less expense to the Government; and its interest as also the interests of the Indians it is believed would be better subserved.

The general policy of our Government in removing the Indians west of the Mississippi can never be carried into effect in relation to this portion of the Chippewas. They would by such removal have to change their habits entirely besides being exposed to their natural enemies the Sioux objections never to be obviated so long as they are able to find an asylum among their own tribe in the extensive region north, without changing their habits. If they are ever required to leave the country they now occupy they will emigrate to the country north and west

of Lake Superior. I conceive it highly improper, and inhumane, to hold out any inducements to them to go into the country occupied by or contiguous to the Sioux. The frequent hostile collisions between these two tribes is a source of regret, and can never be prevented so long as the Chippewas have an agent residing in or near the Sioux country. Should the government conclude either to establish a single agency for the Indians or consolids (sic) the two subagencies, a measure of propriety of which cannot be questioned, I know no better place for locating such agency, or subagency, than Lapointe or Lake Superior. This has even been a principal place of resort for the different Bands and is more easy of access for a majority of the tribe than any other.

It is also highly to be desired in order to effect a fair distribution that such portion of the tribe as receives a portion of the annuity should be paid at one point, without such a course a fair distribution cannot be made, & a general dissatisfaction will be the result.

I have to ask of you, Sir the favour of forwarding this communication to the Department.

Dodge To Crawford (October 18, 1839)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0171

* * *

No. 45.

Report of His Excellency, Henry Dodge,
Governor of Wisconsin, ex-officio Superintendent.

SUPERINTENDENCY OF
INDIAN AFFAIRS
for the territory of wisconsin,
Mineral Point, Oct. 18, 1839.

* * *

The report of Mr. Bushnell contains the census and location of the different bands of Chippewas belonging to his sub-agency; designating those who have participated in the annuities under the treaty of 29th July, 1837. At that treaty, all the bands of the Chippewa nation, west of Lake Michigan, were represented, although several of the chiefs then present, and who signed the treaty, disclaimed any interest in the cession made; declaring that those only who immediately occupied the land sold were entitled to the annuities. It was, however, deemed proper that the whole of the bands should become parties to the treaty, leaving it to the tribe afterward to determine their rights under it. These Indians depend much on their annuities; and it is a matter of vital importance to the people settled on the St. Croix and Chippewa rivers that the Government should strictly and fully comply with all the requisitions of that treaty. It will not only afford peace

and safety to the settler on those rivers, but will attach those Indians to our Government, and prevent and destroy the influence to be apprehended from agents of the British government. Heretofore, the Chippewas have been wholly dependant on the American Fur Company for arms, ammunition, and supplies of every kind; and their country has been apportioned among these traders as best suited their convenience and interest. Until within the past two years, our citizens have had very little intercourse with them. Like all other tribes of remote Indians, they are fond of war; and them from attacks on their old enemies, the Sioux. You have been advised of the killing of more than one hundred of the Chippewas by the Sioux, on the 4th July last: an event greatly to be deplored. The warfare between these nations has continued so long, and so deep rooted has become their animosity to each other, that a peace effected by the mediation of the Government would be of short continuance. Although it is contrary to the long-established policy of the Government towards those nations of Indians with whom it is in friendly intercourse, it is highly probable that the vindictive wars that have existed, and yet continue, with these people, are calculated to preserve peace with the whites, and to promote the safety of the remote settlements on the St. Croix and Chippewa rivers, which would be completely in the power of the Indians meditating an attack.

The Chippewas possess a very large extent of country, extending to the sources of the Mississippi in the west and Lake Superior in the north, interspersed with numerous lakes connecting with the waters of the Mississippi and the rivers emptying into Lake Superior, furnishing fish and wild rice in abundance, which afford them

great facilities for travel in canoes. This, and the fact that the country, from its high northern latitude, is illy adapted for agricultural purposes, render it probable that these people will retain their wandering and warlike habits.

* * *

Very respectfully,
your obedient servant,

HENRY DODGE.

Supt. Ind. Affairs.

T. HARTLEY CRAWFORD, ESQ.

Commissioner of Indian Affairs

Crawford To Stuart (August 1, 1842)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0064

Department of War.
Office of Indian Affairs.
1st August, 1842.

Sir:

The Congress of the United States, having on the 3rd. day of March, 1841, appropriated $5000 "to defray the expenses of holding treaties with the Indian tribes for the extinguishment of their titles to their lands within the limits of the State of Michigan," it is deemed to be the duty of the Department to enter upon the negotiation.

There are valuable minerals on the land that the Chippewas are possessed of, (and they are the only Indians that hold any land in Michigan,) which extend Westward, however, of that State, and cover out of its limits mines of copper &c. The law making the appropriations refers only to Michigan, but taking care to obey the decision of the Act, there can be no objection, that I perceive, to extending the purchase beyond the State. It is important, it strikes me, that we should have the uninterrupted control of the whole Southern shore of Lake Superior for commercial and other purposes, as well as for mining

The country claimed by the Chippewas lies North and West of that claimed by the Menomonees, West of the purchase made from the Ottowas and Chippewas in 1836, and South of Lake Superior. There are understood to be

about 7 millions of acres of it in Michigan, and looking at the face of the Map, I should suppose that the Country that ought to be embraced in the Treaty contemplated would amount to about as much more – but as there is great uncertainty about some of the lines, with the means we have for ascertaining them precisely, I will thank you when discharging the duty which this letter imposes, to have a diagram made, that will enable the department to mark with distinction the country that the Chippewas may cede to the United States under these instructions, and of course the lines of the Menomonee possessions – and of cessions heretofore made by them and of that made by the Chippewas of Mississippi in 1837.

From what has been already said, you will have observed that it is contemplated to extend the purchase West of the State of Michigan, and I think as far as the Station of the American fur Company on the St. Louis river, South West of Fond du Lac, and thence by a due South line, or West nearly So., to the cession made by the Chippewas of Mississippi on the 29th July 1837. In pointing out this line, I do not mean to confine you strictly to it, but to say, there or thereabouts will be the proper Western limit of the cession desired, leaving with you discretion to modify it as the face of the country, natural boundaries, the wishes of the Indians, or other circumstances that ought to have an influence may require.

For the cession of the district of country referred to you are authorized, after full conference with the Secretary of War and by his direction, to stipulate for an annuity to the Chippewas, parties to the treaty, of not exceeding $30,000 for 30 years – to be paid, if 30,000 dollars are given, as follows – 15,000 dolls. in money –

$10,000 in goods and provisions in such proportions as the President shall determine. $2000 to be expended in the support of two Blacksmith's shops, including an assistant to the Smith and iron and steel – $1000 for the support of two farmers to instruct and aid them in agriculture, and $2000 to be expended annually in the support of schools among them, in addition to which you are authorized to engage for the delivery to them of $7,000 worth of suitable goods – and three thousand dollars worth of provisions in the fall of 1843 and to stipulate that a fund of $5000 shall be set apart to establish two farms for them and to aid them with agriculture implements for their own use from time to time, as their necessities may require. If less than $30,000 is agreed upon, each of the above items will be reduced in proportion, according to the sum fixed on, which ought to be made as low as fair dealing and justice to the Indians will admit of.

It is probable some provision will be sought to be made for the payment of the debts due by the Chippewas. Every day's observation strengthens my objection to stipulations of this kind – and, of it is indispensable I am unwilling, to have the indebtedness referred to an investigation by Commissioners to be subsequently appointed. If you find that you cannot make a treaty without providing for their debts, you are instructed to investigate them before the treaty in concluded, to ascertain and to insert them respectively in the treaty, or to enter a schedule of them to it, stating that so much is due to it – so much to B. &c., so that when the Treaty is made and ratified there will be an end to all enquiry about their debts, and a settlement in full up to its date. We shall

avoid further expenses, and the amounts really due can be better arrived at than afterwards. The Indians will be less likely to admit claims – for when a certain sum is set apart for debts, they regard it as gone from them. If, however, it is made to enter into the consideration of the cession, they will feel that whatever is thus paid is so much taken from them. Whatever is ascertained (if they are admitted) to be due for debts, must be part of the consideration to be paid to the Indians. If they agree to take what will be equal to 30,000 dollars a year, you will take such a capital as will produce that sum, say $500,000 at 5 per cent and deducting whatever will be required to pay the debts, from the capital thus taken – the annuity will be calculated by 5 per cent on the remainder of said capital – say equal to $30,000 a year are to be paid and the debts amount to $200,000, there will remain but 400,000 dolls. at 5 pr. cent to raise the annuity – which in that event will be but 20,000 dolls. per year. The money, goods, provisions &c payments will be graduated accordingly – and on these principles, be the debts less or more, the calculation will be made. These debts furthermore, you will stipulate shall be paid within three years after the ratification of the treaty, at the discretion of the Government. I have put the instructions in this form necessarily having no idea of the amount of the debts that may be claimed, if you be compelled to admit them, but of course you will soon ascertain whatever may be required to enable you to put your propositions into definite shape as to the amount of annuity, &c. I mean merely to say hoe the amount of it should be reached by yourself.

There must be a stipulation that they will remove from the land ceded to that which will remain to the

Chippewas West of the cession, which will entitle the whole band to participate in the annuity &c. that shall be raised by the treaty – for if those on the land ceded were to be the only participants of its price, it would be wrong to crowd them on the unceded land, the occupants of which would thus be made to share land with those who had not divided money with them – in other words it would be making the land West of the cession common property. While that within it was regarded as belonging to those who lived or hunted on it. If this is not done we ought to pay the Western Chippewas for the privilege of placing among them those now East, and the amount which we shall pay for the privilege must be deducted from the consideration of the cession – and an arrangement for it made simulyaneously with the treaty. It is not likely that it will be necessary for them to remove for a considerable time, but as that period is uncertain their removal, and their obligation to go, it should be stipulated, shall be at the pleasure of the President – so that when our policy shall require it they can be displaced. The mines that are one of the objects of the cession will be opened probably very soon, under such laws as it shall be the pleasure of Congress to pass on the subject, there must therefore be a stipulation that they will remove at once after requirement from such partucular parts of the ceded territory as we select to use.

These are the principal features, which you have general discretion to modify so as not to change them materially, and to add on minor and unimportant points as circumstances may require.

Your compensation will be at the rate of 10 cents per mile for travel, and eight dollars per day for every day

actually and necessarily employed in the discharge of this duty, commencing with the day you leave Detroit to enter upon it.

John Hulbert, Esq. will accompany you in the capacity of Clerk, and will be allowed 10 cents for every mile of travel and $5 per day for each day actually and necessarily employed on such duty, commencing as above.

During the time, the above allowances or either of them are made, your pay and every other allowance for expenses, as agent or acting Superintendent, and those of Mr. Hulbert, as sub-agent will be suspended.

These measures of compensation are adopted by direction of the Secretary of War. Please communicate to Mr. Hulbert what may be necessary to enable him to accompany you, &c.

Very respectfully
Your obt. Servt.
(Signed J. Hartley Crwaford

Robert Stuart, Esq.
Act. Supt. Ind. Affs.
Detroit, Michigan

Brunson To Doty (January 6, 1843) (Excerpts)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0067

NAM M234 R.388:390-407. January 8, 1843.
MN 003308.
MN 010241.

Alfred Bronson to J.G. Spencer.

Sir: I take the liberty to enclose a copy of a letter addressed to Gov. Doty, believing it would be useful, if not important for you to receive it at an earlier day than it could reach you through the ordinary channel of communication between this Agency and the Department.

Alfred Bronson to J.S. Doty. January 6, 1843.

Dear Sir, So much dissatisfaction exists among the Indians and half breeds of the Chippewas of this agency relative to the Treaty entered into with them by Mr. Robert Stuart last fall and so many omens of a threatening storm are discoverable that I deem it sufficient to lay before you as soon as possible the state of things on this matter.

By the instructions from the War Dept, as I am informed that the commissioner was prohibited from allowing any thing to the half breeds or relatives of the Indians in the way of remunerations for their lands. This was displeasing to the Indians and highly offensive to their relative, some 6 or 700 in number. And from letters and speeches, copies of which are herewith enclosed, it appears that this dissatisfaction is very general. But I

learn more from verbal explanations as to their designs than appears upon the face of these documents. Their plan is, as I am informed, to gather all their strength at the time of the next payment, say some 300 strong with what Indians would join them, and seize the money & goods & appropriate them to their own use or prevent the treaty from going into opperation (sic) till their claims are regarded. Efforts are making to gather half breeds form St. Marys Canada & as far west as Red Lake & Red River.

The most intelligent and enlightened of the half breeds & most of the white men who have intermarried with them will not aid or abet in this matter and some of them will not believe any thing serious will grow out of it. But the majority of those who are peaceably disposed fear that we shall have trouble unless the treaty is so amended as to allow something to half breeds.

Many of these half breeds are [word illegible] intelligent & culturated. Some have married inteligent (sic) whites; both of whom exert great influence over the Indians who place implicit faith in them & will do nothing without their council & advice. Some of these raised a party of warriors and braves on the treaty grounds & have well nigh defeated the treaty. But as debts were to be paid those in the interest of the fur trade yielded their half breed rights to secure the debts due their employers rather than lose their places of employment and thro' their persuasions, the Indians, who till this moment, had refused to sign the treaty unless allowance was made to their relations, yielded. But after cool reflection they are dissatisfied, and ask the govt. to so amend the treaty as to allow something liberal to their friends. (See accompanying papers marked A. B. C. & D.) Those who have spoken

to me represent all who are concerned in the late treaty & a minority of those concerned in both treaties.

But those not controlled by the interest of the traders in leaving their debts have not been appeased & will appear by reference to paper

* * *

I do not consider my land sold unless something is put into the hands of my relations. And what I say is the voice of all my people. (He represents Flambeau, Wis. ponsan & vieu Derant bands)

C.

Martin, head chief of the Ottawa or Lac Courtourielle band said: (He represents Ottawa Lake, Chip. River & Lac Che Tac bands)

My father: What my brother chief has said is true and we will stand to it. We were told by the commissioner that our grand father wanted our lands for the sake of the mines, but that we might remain on them as long as our grand father see fit. But I & my brother chiefs refused to touch the pen, unless our half breed relations were provided for, & we should be permitted to live on the land as long as we behaved well & are peaceable with our grand father & his white children.

I was not at St. Peters (in 1837) & never touched the pen to sell my lands till last fall, and when I touched the pen it was on condition that my relations were provided for, & that we should remain on the land, as long as we are peaceable. We have no objection to the white mans working the mines, & the timber and making farms, but

we reserve the birch bark & cedar, for canoes, the Rice & the sugar tree and the privilege of hunting without being disturbed by the whites. Our half breeds must be paid if we give up our own pay. But our grand father can better afford to pay them than we can. He is rich & has plenty of money. Let him give the half breeds 200 boxes ($200,000) & we will be satisfied. Tell our grand father this. (they mean by I/2 breeds *all* of Ind. mixed with 2nd of any degree)

D.

In council at Lapoint, January 5th 1843, Buffalo, head chief of this band, spoke as follows: (Fon du Lac, Ontonogan, & Renuwenon, being represented. Being all who are directly interested in the late treaty.)

My father. I want you to open your ears & listen to me attentively. I wish to speak with regard to the commissioner that set his foot upon this island last fall. I have kept my eyes open to the interests of my young men for many years. I was at Prairie du Chien & heard the words of my grand father. I was at St. Peters where but a part of my grand fathers words were heard. I have always had great hopes for my tribe – for this place, which you are old enough to know is the place form whence all the Indians that sit by my side (meaning all the Chippewas on this side of the Lake) sprang. I had hopes that some day our children would receive benefit from these lands, & the burying place of our forefathers. I saw my brothers sell their lands at St. Peters for almost nothing, but I did not expect that Lapoint, the spot where our forefathers

bones rests should be wanted from us in the same manner.

Father: It is now midnight. It is as yesterday that your commissioner set his foot on my land. He spoke of the copper that is strewn along the shore of this Lake. He told us that we had given it away. (aluding [sic] to Cass's treaty at Fon du Lac). Of that transaction I know nothing. It is no reason that we should lose our property because one of our brethren had signed a paper we knew nothing about. You red children are ignorent (sic) & cannot read.

Father: I have now spoken to you more on this subject than I could to the commissioner; for I could hardly utter word before he stopped my mouth. I shall now say a few words to you in regard to my

* * *

S. Doc. No. 403, 29th Cong., 1st Sess. (1846)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0076

PUBLIC DOCUMENTS

PRINTED BY ORDER OF

THE SENATE OF THE UNITED STATES,

FIRST SESSION OF THE TWENTY-NINTH CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 1, 1845,

AND IN THE SEVENTIETH YEAR OF THE INDEPENDENCE
OF THE UNITED STATES

IN NINE VOLUMES.

VOLUME VIII.

CONTAINING DOCUMENTS FROM NO. 377 TO NO. 438.

WASHINGTON:
PRINTED BY RITCHIE & HEISS
1846.

29th CONGRESS, 1st Session. [SENATE] [403]

MESSAGE

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, information in relation to the removal of the Chippewa Indians from the mineral lands of Lake Superior.

JUNE 24, 1846.

Read, and ordered to be printed.

To the Senate:

I transmit, herewith, a communication from the Secretary of War, accompanied by a report from the Commissioner of Indian Affairs, in reply to the resolution of the Senate of the 9th instant, requiring information on the subject of the removal of the Chippewa Indians from the mineral lands on Lake Superior.

JAMES K. POLK.

WASHINGTON, *June* 24, 1846.

WAR DEPARTMENT,
June 22, 1846.

SIR: I have the honor to submit the accompanying report of the Commissioner of Indian Affairs, in answer to a resolution of the Senate of the 9th instant, calling for

information in relation to the removal of the Chippewa Indians from the mineral lands of Lake Superior.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

To the PRESIDENT.

WAR DEPARTMENT,
Office Indian Affairs, June 20, 1846.

SIR: I have the honor to report, in obedience to your direction, on the resolution of the Senate of the United States of the 9th instant, which is in the following words:

"*Resolved*, That the President of the United States be requested to inform the Senate whether any measures have been taken to carry into effect the second and the sixth articles of the treaty with the Chippewa Indians, entered into at La Pointe on the 4th day of October, 1842, so far as the same relate to the removal of those Indians from the mineral lands of Lake Superior; and whether any and what suitable country has been, or is intended to be, provided for the future residence of those Indians."

The second and sixth articles of the treaty are as follows:

"ART. 2. The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United States shall be continued in force, in respect to their trade and intercourse with the whites, until otherwise ordered by Congress."

"ART. 6. The Indians residing on the mineral district shall be subject to removal therefrom at the pleasure of the 'President of the United States."

The records and files of this office do not indicate that any action has been had by this department with a view to carry into effect the stipulations of those articles, so far as they relate to the removal of those Indians, either from what is regarded as the mineral district, or from any other portion of the lands ceded by that treaty. They do show, however, that in 1843 the superintendent of Indian affairs at Detroit, who negotiated the treaty, and, in 1844, the head of this office, entertained doubts as to the expediency at that time of enforcing the power conferred by the treaty respecting removal. The views of these respective officers will be found in the accompanying extracts from their communications, viz: of a letter from R. Stuart, acting superintendent, & c., to this office, of 2d June, 1843, and from a report of my predecessor to the Secretary of War of 19th March, 1844.

With reference to the second branch of the inquiry, I have to state that I am not aware that any other tract of country "has been, or is intended to be provided for the future residence of those Indians," than that designated in the third article of said treaty, as follows:

"ART. 3 It is agreed by the parties to this treaty that, whenever the Indians shall be required to move from the ceded district, all the unceded lands belonging to the Indians of Fond-du-Lac, Sandy Lake, and Mississippi bands shall be the common property and home of all the Indians party to this treaty."

Very respectfully, your obedient servant,

W. MEDILL.

Hon. W. L. MARCY, *Secretary of War.*

WAR DEPARTMENT,
Office Indian Affairs, March 19, 1844.

SIR: I have the honor to submit the following report on so much of the letter of the Hon. Messrs. Porter and Woodbridge, of the Senate, and the Hon. Messrs. Lyon, McClelland, and Hunt, of the House of Representatives of the United States, as was referred to the Indian office.

It is highly probable that the country ceded in October, 1842, by the Chippewas of Mississippi and Lake Superior, on and near to the southern shore of the lake, will be most resorted to during the approaching summer, with the object of ascertaining the extent of the mineral resources of that region, and as far as they may or can be permitted by law to enter upon the working of the mines there to be found. It is only about thirteen months since the treaty was ratified. It could scarcely have been within the contemplation of either of the parties to it that the Indians should be required to remove very soon, under the provision of the 6th article. It is true they are subject to removal "at the pleasure of the President," and, of consequence, may be removed *now*, or in some short time; but the indefinite terms used were not probably understood to mean at the end of one or even two years, or the provision would have been absolute, and a precise time fixed. I think, therefore, there will be great hazard of serious dissatisfaction on the part of the Indians, if the

power conferred by the treaty on the government shall be enforced upon them. I would by no means wish to retard the opening of the mines referred to, which are said to be chiefly in Michigan, nor would I recommend any course likely to produce that effect, unless imperiously compelled thereto by law or duty. I think, however, the presence of the Chippewas will not interfere, for some time to come, with the mining operations of our citizens who may choose to engage in them. When it is found to do so, we can act; for the present, I would advise no step that could be tortured into harshness towards these poor people; nor would it be politic to change our position in relation to them until the question about Isle Royale is adjusted; which, however plain on our side, may not be so manifest to Indians.

* * *

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. WILLIAM WILKINS,
Secretary of War.

Extract from a letter of Robert Stuart, acting superintendent of Indian affairs to Commissioner of Indian Affairs, dated Detroit, June 2, 1843.

"In compliance with your favor of 13th ultimo, requiring my views in reference to schools, and the appointment, locations, &c., of farmers, carpenters, and blacksmiths, under the La Pointe treaty, I have the honor

to state as my confirmed opinion that Ance (bay) Quiwienon, Manvaise rivière, (bad river,) near La Pointe, Fond-du-Lac, and Sandy lake, are the four most favorable points of location. The three first are on the shore of Lake Superior, safe from enemies and easy of access. Sandy lake is in what is called the Mississippi country, in a central and favorable position, both as relates to advantages for a colony and comparative safety from the Sioux. This and the Fond-du-Lac establishment will be on the Indian lands, which is desirable. There are those who think that *all* these Indians should be at once removed to the unceded district; but this would not be in conformity with the spirit of the treaty, nor could it be easily accomplished *just now*, as they have considerable game, fish, and other inducements to attach them to their present homes; but so soon as they realize the benefits of schools, and the other arts of civilization, which I trust we shall be able to cluster around them, there will be less difficulty in inducing them to renounce their present habits," &c.

* * *

Memoranda, In Relation To Lands East Of The Mississippi River, In Wisconsin, Yet Owned By Indians, And Accompanying Map (1847)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0179

It will be seen by the accompanying map that the only land East of the Mississippi river and Lake (word), and North of the Wisconsin river, to which the Indian title has not been extinguished, is claimed by the Chippewas of Lake Superior and the Mississippi river by the Menominees and the Oneidas at Green Bay. There is one township or 23,040 acres occupied by the Stockbridges on the East side of Winnebago Lake, but their peculiar condition may be treated of hereafter. One township adjoining the Stockbridges is occupied by what was termed the Brothertown Indians, but they have been civilized by act of Congress.

The country within the dotted boundaries G., estimated to contain 10,743,000 acres and that immediately West to Mississippi river and South on the West side of the Mississippi, as far as the mouth of the Watab river, is what is termed the common property of the Chippewas of Lake Superior and the Mississippi River and to which the Indians who now occupy the country within the lines 1. ceded in 1842 are to remove when they are required by the President to remove from said ceded district.

The number of Indians who participate in the annuities arising from the cessions marked 1. & 4. and reported at 5296 souls. See accompanying exhibit A. The red line running North from the Head waters of the Mississippi river is the Eastern line of the country represented to be

claimed by certain bands of chippewas termed "Pillagers", who make no claim to any part of the lands lying East of that line.

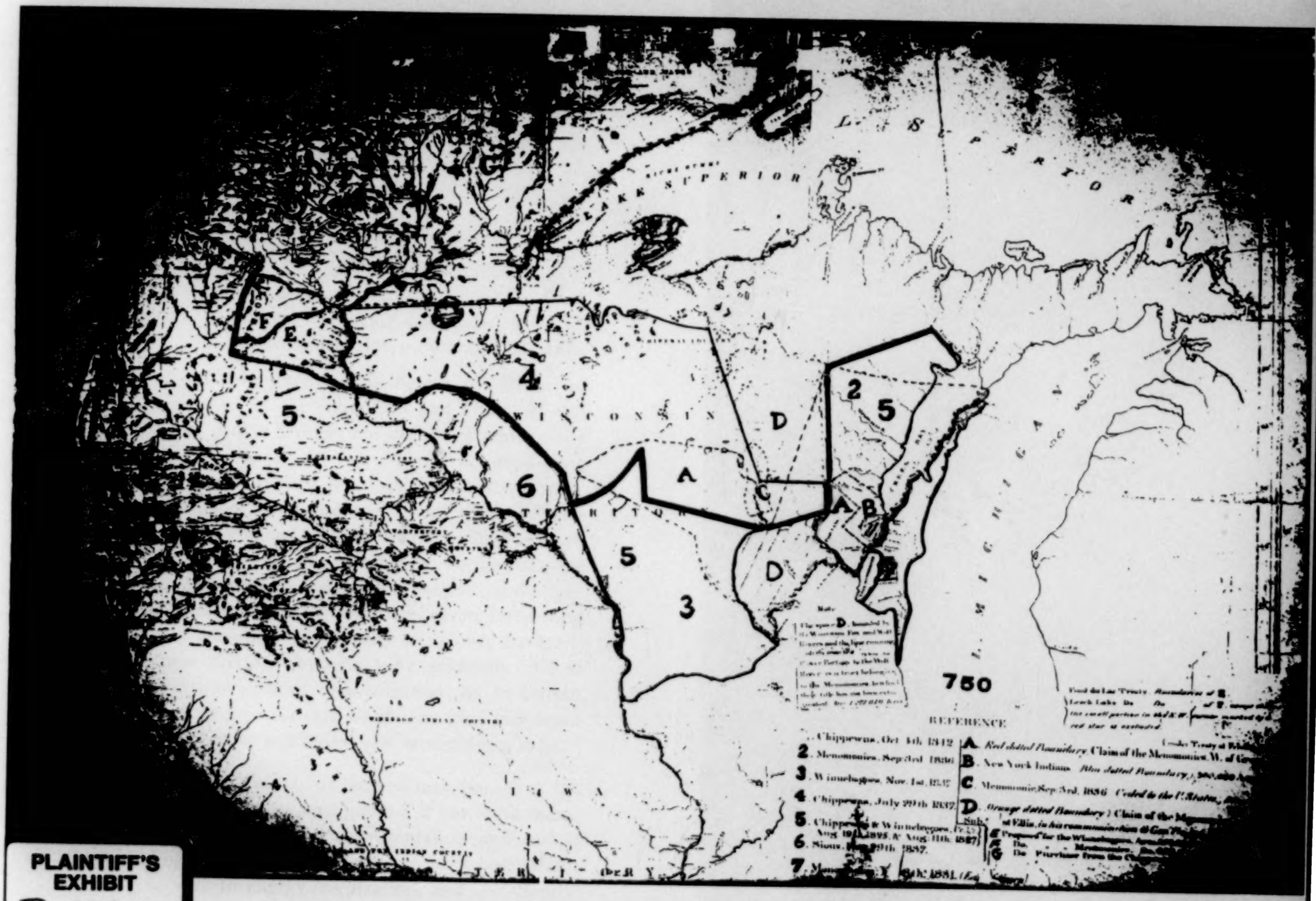
The Menominees claim a large tract of country which is described by them to their sub agent in 1846, is delineated by the "orange" dotted boundary – letter D. Their claim to that extent cannot be rightfully put forth.

The Red line indicated by figure 5. is declared by the treaty of 19 August 1825 and 11 August 1827 to be the boundary between the Chippewas and the Sioux, Winnebago and Menominee tribes of Indians. That has been regarded in the treaties with the Chippewas as the true line, as is evidenced by the treaties of 1831 and 1849. See boundaries 1. and 4. which cover a large area claimed by the Menominees.

The red dotted lines A. descries the boundary as claimed by the Menominees West of Green Bay in the treaty of 8 February 1831. It is a question whether, as by the treaty of 1836, See letter C., the United States purchased a tract of land West of the boundary fixed by the treaty of 1837. The Government has not in some measure yielded to the claim of those Indians. The 1,211,040 acres is all that is left to the Menominees. By adhering to the boundary of 1827 and taking from it the cessions by those Indians South and East of it, and it may be urged that by the terms of the 2nd paragraph of the 1st clause of the treaty of 1831, (See page 477), the Menominees have already agreed to surrender the possession of all their land to the United States. The Menominees number 2500 souls according to a late report from their sub agent.

The Oneidas number 720.

The Stockbridges number 280.



PLAINTIFF'S EXHIBIT
P-179

BEST AVAILABLE COPY

1848 COIA Report, *Selected Pages

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Ex. Doc. No. 1.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

WAR DEPARTMENT,
Office Indian Affairs, November 30, 1846.

SIR: I have the honor to lay before you the usual annual exposition of the conditions and affairs of this branch of the public service; the details of which, to a considerable extent, will be found in the accompanying reports and statements of the superintendents, agents, and sub-agents of the Department, and other persons connected with it; some of which are of peculiar interest, and all worthy of perusal – furnishing, as they do, the latest and most authentic information respecting the condition and prospects of the remnants of an interesting people, who once held undisputed sway over the territory we now occupy, but who have gradually melted away before the advance of civilization, or, in broken groups, been swept westward by the pressure and rapid extension of a more intelligent and enterprising race.

While, to all, the fate of the red man has, thus far, been alike unsatisfactory and painful, it has, with many, been a source of much misrepresentation and unjust national reproach. Apathy, barbarism, and heathenism must give way to energy, civilization, and christianity;

and so the Indian of this continent has been displaced by the European; but this has been attended with much less of oppression and injustice than has generally been represented and believed. If, in the rapid spread of our population and sway, with all their advantages and blessings to ourselves and to others, injury has been inflicted upon the barbarous and heathen people we have displaced, are we as a nation alone to be held up to reproach for such a result? Where, in the contest of civilization with barbarism, since the commencement of time, has it been less the case than with us; and where have there been more general and perservering efforts, according to our means and opportunities, than those made by us, to extend to the conquered all the superior resources and advantages enjoyed by the conquerors? Of the magnitude and extent of those efforts but little comparatively is generally known.

Stolid and unyielding in his nature, and inveterately wedded to the savage habits, customs, and prejudices in which he has been reared and trained, it is seldom the case that the full blood Indian of our hemisphere can, in immediate juxtaposition with a white population, be brought farther within the pale of civilization than to [illegible]; under the corrupting influences of which, too

* * *

ly expected, that under the measures and influences which may now be favorably brought to bear upon them for the purpose, they will enter upon a course of improvement, which, in a few years, will result in at least their comparative civilization. Much credit is due to them, not only for their prompt self removal, but for the

peaceable and orderly manner in which it was conducted. It was a new feature in our Indian system, to see an entire tribe of Indians quietly organize, and leave their old homes, and peacefully, and without disorder of any kind, remove themselves to a new country, nearly two hundred miles distant from most of them, in conformity with a stipulation to that effect in a treaty which they had made with the government; and bearing their own expenses out of funds set apart for that purpose. The Kanzas Indians deserve equal credit, having, since my last annual report, in the same commendable manner, removed themselves from their old country on the Kanzas river, to their new, and to them, better location, on the head waters of the Neosho; where they are now well settled, and are already asking for schools and other means of improving their condition and circumstances. The experiment in the case of the Winnebagoes has also been successful; although their emigration from Iowa to their new country on the upper Mississippi was attended with some delay and difficulty; caused, however, by the unauthorized interference of interested white persons, and of a portion of the Sioux that were desirous to have them stop and remain in their country. Under the operation of improper influences, thus brought to bear upon them, a portion of the tribe, after moving some distance on the route, scattered in various directions; the most them going over to the Missouri river, and to the Menomonie country, near Green Bay, in Wisconsin. The others safely reached their new country, which is admirably suited to them; much of it being well adapted to agricultural purposes, and to a considerable extent interspersed with lakes and streams, abounding with fish and wild rice. Since their arrival,

most of those that dispersed have joined them, which, without doubt, the rest will soon do in order to share in the large annuities due to the tribe, in money, goods and provisions.

The removal of this tribe, and of the Pottawatomies, has entirely freed Iowa of her Indian population, which occupied some of the best and most desirable lands in the State, that will now be rapidly settled by our enterprising and industrious citizens. Indeed, so sweeping is the tide of emigration in that quarter, that it is already beginning to break over the northern boundary of the State, towards the rich and fertile lands on and south of the Minesota or St. Peters river; which are now owned by the Sioux Indians, and which it is important to acquire at as early a period as possible. There is, probably, no where within our limits a more desirable section of country than this – whether for soil or climate; and if opened to our hardy and enterprising pioneers, it would soon become [illegible] settled with a prosperous and thriving white population [illegible] whatever as the game has almost [illegible] line

which have already been described, they cannot be induced to abandon the chase and their warlike propensities, and to any profitable extent, resort to agriculture, or any other species of labor. Being very mischievous and daring in disposition, it is necessary to keep a considerable space between them and our expanding population, in order to prevent difficulties which might lead to hostilities and bloodshed. For these, and other reasons that might be mentioned, sound policy would seem to dictate that an effort should be made, at an early day, to purchase this country of the Sioux, to defray the expenses of

which an appropriation of about five thousand dollars will probably be necessary.

Wisconsin, like Iowa, may also soon be relieved from the Indian population within her limits. The Brothertowns were made citizens by an act of March 3rd, 1839; and the Stockbridges by one of March 3rd, 1843, which, however, was modified by the act of August 6th, 1846, providing for the return of such as so desired to their original position as Indians, and for a division of the lands of the band between the latter and those who prefer remaining citizens. The difficulties which prevented the execution of the latter act, were fully stated in my report of last year, and have not since been removed; nor do they seem likely to be. Under these circumstances, and as the position of these people is a very unhappy one, in consequence of the dissensions between the two parties into which they are divided, propositions have been made to them, for such as do not wish to avail themselves of the privilege of citizenship, to surrender to the government, on just and equitable terms, their interest in the lands, and to join their brethren in the west, who are living there prosperous and happy. These fair and liberal propositions, it is hoped, will be accepted. The small band of Oneidas, who were originally from New York, though never formally made citizens, may, from their position and circumstances, their civilization and intelligence, be substantially so regarded. A portion of the Chippewas of Lake Superior and the Mississippi, and the Menomonies, may therefore not improperly be considered as the only Indian population now in Wisconsin. The Chippewas, as heretofore stated, are remaining by sufferance on lands which have been ceded to the United

States, and from which, looking only to their own benefit, they should soon be required to remove. The Menomonies, like all Indians unprepared for such a position, have for some years been suffering from those untoward circumstances necessarily arising out of a close contact with a rapidly increasing white population; to which, in turn, the vicinage of the Indians has also been a great disadvantage. For their own interest and welfare, as well as for the prosperity of that part of Wisconsin, it has for some time been an object of much importance to induce them to cede their lands, and to remove where they could reap the full benefit of the policy of the government for the civilization and improvement of our Indian tribes. This important object, which unfavorable circumstances and influences have heretofore prevented being effected, has at length been attained; a treaty having

* * *

Medill To Ramsey (June 27, 1849)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0185

NAM M842 R.1:10-12.June 12, 1849.

William Medill to Alex Ramsey.

I have had the honor to receive a letter from the late Superintendent of Indian Affairs at St. Louis, dated 13th April last, enclosing five claims against Indians for depredations said to have been committed by them. These claims are accompanied by explanations and expressions of opinion by the agent of the tribe, Mr. Fletcher, and have received the proper consideration of this office.

1st. The claim of Mr. A. Aitken – $30 for the value of a colt killed by a Chippewa Indian. Mr. Fletcher being of the opinion that the depredation was committed, there will be no objection to the payment of the sum recommended by him – viz – $20.

2d. Claim of J. R. Jovin – $50 for wood destroyed by Winnebago Indians. The depredation is the case being proved, the amount recommended by Agent Fletcher therefor viz $15 may be paid.

3d. Claim of Mr. M. Glenn, for two head of cattle said to have been killed by Indians supposed to be Winnebagoes. The evidence deemed to be sufficient as to the killing of the cattle and the payment therefor being recommended by the Agent, you are authorized to direct

such reasonable sum as the agent may determine to have been the value of the cattle to be paid to Mr. Glenn.

4th. Claim of David Roberson, for hay stolen by Winnebago Indians $5. The evidence in support of this claim is insufficient as to the quantity and value of the hay taken. There may originally have been two tons and some taken away before the Indians committed the depredation. The evidence as to the ownership of the hay is only hearsay – nor is it stated how it is known that the Indians were Winnebagoes. The claim is rejected.

5th. Claim of Peter Poncin – $404.25, for goods alleged to have been stolen from him by the Winnebago Indians. The evidence in support of this claim is insufficient. The claimant evidently brought the intrusion of the Indians upon himself by keeping liquor, and is not even entitled to the amount recommended by Agent Fletcher.

The papers in the first three cases are enclosed herewith that they may be used as vouchers in the accounts of the Agent.

1849 COIA Report, *Selected Pages

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

[HO. OF REPS.]

31*st* CONGRESS, 1*st Session* — Ex. Doc. No. 5.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TO

THE TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE FIRST SESSION

OF

THE THIRTY-FIRST CONGRESS.

DECEMBER 24, 1849.
Read.
DECEMBER 27, 1849.

Committed to the Committee of the Whole House on the state of the Union, and ordered that the usual number of copies of the message and documents be printed, and that 15,000 copies extra of the same be also printed.

PART II.

WASHINGTON:
PRINTED FOR THE HO. OF REPS.

1849.

* * *

to abandon its ancient seat around the head-waters of the Mississippi, whose rice lakes and hunting grounds the Chippewas at this day possess, and beyond to the Red river of the north.

They have participated in nearly all the wars of the Northwest – first as staunch allies of the French against the English, and then as allies of the latter against the United States.

For nearly three centuries however, their principal warfare has been with the Dacotahs or Sioux – an hereditary warfare on both sides, pursued in latter times with varying success, the Chippewas being most generally victors in the woods, the Sioux as uniformly triumphing on their own plains. But the advantageous results of the contest have been altogether with the former, who have acquired by conquest, and steadily maintained, a beautiful and widespread territory.

Its extent was exhibited by the Indian peace treaty of Prairie du Chien in 1825, in which the Chippewas, Sioux, and other Indian nations of the Northwest participated, (General William Clark and Lewis Cass being the United States commissioners.) In that treaty, the *Chippewa territory* is admitted by the Sioux and other tribes to comprise all the county north of a line beginning at the Plover

portage of the Wisconsin river; thence to a point half a day's march below the falls of the Chippewa river; and thence running so as to about strike Red Cedar river just below its falls, the St. Croix river about thirty miles above its falls; then, between the Green and Eagle lakes, to Rum river, at Choking creek, to the mouth of the Watab river, on the Mississippi; up the Watab to its head-lake; then to the head-lake of Prairie river, on to Otter Tail lake portage; through the lake to its outlet; thence in a straight line to strike the Buffalo river half-way from its source to its mouth; down that river to the Red river of the north, and descending said Red river to Outard or Goose creek.

The vast tract of country comprised within these limits they acquired in a little over two centuries, wresting it from warlike and generally more numerous foes.

The Chippewas occupy the north as well as the south shore of Lake Superior. Their numbers in the American territory do not exceed eight or nine thousand souls.

The nation in its various branches has, from time to time, been a party to no less than twenty-nine different treaties with this government, from the first treaty of peace at Fort McIntosh, in 1735, to the last two treaties with them in 1847, by which the country now occupied by the Winnebagoes, and that intended for the Menomonies, were purchased. By treaties in 1837 and 1842 they ceded to the United States all the territory east and south of a line drawn from a point twenty two miles up the St. Louis river of Lake Superior south about eighteen or twenty miles, and thence west to opposite the junction of the Crow-wing with the Mississippi river.

They are permitted to live in the ceded country until required to remove by the President, and are allowed to hunt and fish therein until notice is given that the privilege must cease; and, as it is anticipated this requisition will soon be made, and the notice speedily given, but a short period will elapse ere the whole of the Chippewa nation of Lake Superior within the American lines will be removed into this Territory.

In consideration of the cessions by the two treaties of 1837 and 1842, the United States stipulated to pay them, for twenty and twenty-five years, $22,000 in money, $29,500 in goods, $5,000 in blacksmithing, $1,200

* * *

As regards the general progress of education in this tribe, I am of the opinion that the efforts which have been made to promote this object have, in a literary point of view, been as successful as could reasonably be expected. From the records of the school, five hundred and seventy-three pupils are reported as members of the school since its organization; of this number, one hundred and forty-two have advanced so far as to be able to read in the Scriptures. The girls who have attended the school have been faithfully instructed in most of the branches of industry stipulated in the treaty establishing the school. The instruction of boys in gardening and agriculture, as required in said treaty, has been much neglected. This I consider the most important part of the Indian's education; and, although I have annually procured land ploughed for the school, furnished the necessary tools and garden seeds, and urged upon the teachers of the school the importance of instructing the boys of a suitable

age to work, I expect to be held accountable, and justly censured, for permitting this neglect.

With the exception of children of half-breeds, the influence of education on the scholars, as respects their adoption of the dress and habits of civilization, does not appear to extend beyond the time they leave the school. What would be the effect of religious instruction imparted to this people in their own language, remains to be tested.

Chippewas of the Mississippi. – These bands contain a population of about eleven hundred, and have their villages at Gull lake, Sandy lake, Mille lac, and Rabbit lake. Respecting the former character of these Indians I know but little; but since they have been under my charge, for the year past, I have found them peaceable, temperate, and industrious.

A farm was commenced last spring at Gull lake by several bands who have decided on that location, and a valuable improvement was made. The plan adopted was to hire the Indians to do their own work. It succeeded well. Seventeen acres of timbered land were cleared by one of their half-breeds on contract; in addition to this, twenty two acres have been cleared by the Indians themselves. This land they have cultivated in corn, potatoes, turnips, and garden vegetables. Their crops look well, and they are well pleased with this their first attempt at farming. They have commenced building themselves dwelling houses of hewn logs, and are making arrangements to extend their farming operations.

A team was furnished them, and two men employed to assist them. They were also furnished with tools, and

with seed to plant. The improvements were made under the supervision of Mr. Warren, farmer at Gull lake. I have found time to visit them but twice during the season. The industry and enterprise manifested by these Indians during the past season are highly creditable to them, and afford encouraging hope for their future prospects. The Indian crop at Sandy lake was destroyed by being overflowed the present season. The Indians living at Mille lac are thriving farmers.

Gull lake is situated about twelve miles northwest from the mouth of Crow-wing river. It has been my object to locate as many of the Chippewas there as possible; five bands now reside there. The time has arrived when the interests of the Indians, as well as the interests of the citizens of Minnesota Territory, require that the privilege granted the Chippewas to occupy, for a limited period, the country purchased of them in the treaty of 1837, should terminate.

* * *

Rice To Ramsey (December 1, 1849)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0087

Confidential

Richmond VA Dec 1st 1849

Dear Sir

Unreservedly, I wish to give you my opinion in regards to a treaty with the Sioux Indians. Great efforts will be made the coming winter to obtain an appropriation to defray the expenses of Commissioners to attempt a treaty next summer, should a treaty be made next summer with that people on the west side of the river because nearly all of the migrants to Minnesota and the infant settlements on the east side must for a time stand still. Lands none on market will remain unoccupied for years. Farmer will find a poor market for their produce. There is a plan in fact to make St Peters a great town. As soon as the Sioux title is extinguished, a road will be opened from St Peters to the Long Prairie Agency, Sandy Lake, and Sauk Rapids. The Red River Trade will be diverted from St Paul to St Peters. The road will cross St Peters at Little Rapids. This will make (word) carriages much shorter than from St Paul. (Word) will settle along the line of this road as far north as the Winnebago Country and they will be enabled to supply the forts and agencies at a much less price than on the east side of the river. If the treaty can be put off two years longer, the east side of the river will be well settled and the inhabitants able to maintain themselves. Now they must depend almost entirely upon the

(word) agencies for a sale of their products. The first settlers of other countries depended mostly upon those who came there for a market, but Minnesota is peculiarly situated. Her inhabitants are deprived in a great measure of this market. For nearly every newcomer brings his first years supply from the south. The transportation being so small that the (word) is not much enhanced when it reaches his location in Minnesota. If the west side can remain (word) for two years more, St Paul will contain 5,000 inhabitants – St Anthony 2,000 there. A steam boat will run from St Paul up the St Peters to Little Rapids and no town can be started that will rival St Paul. A bridge will be built across the Mississippi at the falls which will enable those who may live north of the St Peters to find a market at the falls. And every dollar that may be expended at that place will help St Paul. Before I left home, I heard many speak in regard to a treaty who were opposed to it. At Still Water, I think there is not one in favor of it. Mr Sibley and the. . . . will urge it. First because they are expecting to make money out of it, and secondly because Mr Sibley wishes to be *the man* among the new settlers on the west. Mr Sibley has no influence in Washington, and if an appropriation is made, all will know that it was not done thru his influence. Two years hence, make a treaty other present settlers of Minnesota will be benefitted by it. Make one next summer and they will be materially injured.

The Chippewas of Lake Superior in 1842 sold all of their country south of that Lake. Their agency is on a barren island in the Lake, and out of their own Country. They should be removed from the ceded lands – they should receive their annuities on the Mississippi River, say at or

near Sandy Lake, at which place an agency for the whole tribe should be established. This would better accommodate the whole tribe – and Minnesota would reap the benefit – whereas now their annuities pass via Detroit and not one dollar do our inhabitants get – altho we are subject to all the annoyance given by these indians. We want the Menominee indians removed north of the Winnebagoes next spring & if their annuties are sent up there they will remove without any trouble, but never will they go so long as they can be paid where they now reside.

Mr. Booth will probably be removed, and I hope M.L. Dousman of Prairie du Chien will be appointed in his place. Minnesota is much interested the appointment of a surveyor General, and no man out of the Territory can or would be disposed to favor our Territory so much as Col. Dousman. He is a good whig and is personally known to the President – you can help him, many letters have been written in his behalf and I believe the President is favorably inclined toward him.

Genl. Fletcher will doubtless be removed, and hope his successor may be a Minnesotan. Would not William R. Marshall of this _____ make a good Agt? As a resident of Minnesota, I feel a deep interest in her welfare, and I know that [words missing]of the present Congress in his behalf, and I know that you can do more than any _____ at the present time. Heretofore Mr. Sibley enjoyed the confidence of the whigs and received their support – he should no longer look for and from _____. The democrats must look upon him as one not dyed in the wool. At the last session your Territory was organized and would have been had he remained at home. He did not obtain an appropriation of a single

dollar for any purpose whatever, did not get a post office or post _____ established. Congress appropriated no more than was actually necessary to carry into effect _____ organization. What can be expected of him now? I for one do not wish him to have credit for the labor of others, and am determined he shall not. Duplicity is short winded.

As soon as I hear of Col. Mitchell's arrival in Washington, I shall leave for that place. I am now enjoying southern *laziness* which is not very congenial to my feelings.

Pardon this intrusion and believe
me Respectfully Your Obedient
Servant
Henry M. Rice

His Excellency
A. Ramsey
Washington D.C.

Rice To Ramsey (February 25, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0089

[Jones] Hotel Philadelphia
February 15th 1850

My Dear Sir

In consequence of many of my letters not having reached their places of destination, I take the liberty of enclosing some to you, with the request that you have them to my brother or Mr Haney. The privilege they will hand you Mr. Lowsy is here. We are completing our purchases, many of our goods have been shipped and the balances will go forward next week. I have retired from the political field and believing as I do that Col. Mitchell can do more for our territory than any other man that will run. I have determined to give him my support. I left him in Washington. He does not drink – has been a sober man. Ever since you left Fletcher's removal was daily expected. When I left Washington, Green was there, but had doubts about receiving the appointment in consequence of Michigan's having me more than her share. A man from Indiana by the name of Coffin stood a fair chance. The removing the indians of Lake Superior to and paying them annuities on the Mississippi will have a great influence upon Minnesota, especially St. Paul. Unless the Chippewas have a separate agency, they should be paid first above the mouth of the Crow Wing on the west side, but should they have an agency of their own it should be at or near Sandy Lake, it being the most central point.

Your maps are not yet out, altho one will be out in a day or two. Doctor [F]orter took away my notes and has not returned them. The publishers are anxious to get them.

Presuming that you have correspondents in Washington that keep you informed of everything that occurs there, I shall not attempt to speak on the subject. I shall try and reach St Paul on the first boat, leaving Mrs Rice at Richmond until summer.

Please make my regards to your Lady and believe me. Sincerely and respectfully your obedient servant,

Henry M. Rice

Hon. A. Ramsey
Gov of Minnesota

Hall To Treat (February 25, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0090

S. Hall to S. B. Treat

[A.B.C.F.M. MSS. 245: No. 87 – A.L.S.]

Lapointe, Lake Superior Feb. 25th 1850.

Rev. S. B. Treat,

Dear Sir:

Your letter of Dec. 6th was received a few days ago. We were glad to learn that your health was improving. We hope it may be fully restored, and that you may be allowed to discharge your useful and laborious duties at the Missionary House for a long time to come.

Since I last wrote you, by the blessing of a kind Providence, the mission families have all enjoyed comfortable health, and we have been pursuing our labours as usual. The school has been well attended and has done well under the instructions of Mr. Pulsifer. I think he will prove himself a useful and diligent labourer with us. The number of attendants at the Indian service has been rather on the increase lately. More of those who attach themselves to us are here at this time than usual. They are now about to resort to their sugar camps, and will be scattered in the woods for some time to come. Henry Blatchford proposes to go and stay in their camps with them. It is difficult for him to get about while the snow is on the ground on account of his lameness. But I am glad to see him propose cheerfully to make the sacrifice and effort necessary to stay among them for their good. Some

few appear unusually willing to be instructed who have not till recently attended our meetings. One young man we think gives evidence of piety, who we hope before long to receive into the church. The state of the public mind among the Indians never appeared more favourably inclined towards us, than at present, so far as we can judge. Our English services are attended by most of the Protestant white population here.

But as to our prospects for the future it is not easy to say what they are. The Indian Agent at this place was officially informed a few days since, that it was in contemplation in Washington to remove the Indians soon from the ceded territory. He was ordered to ~~discontinue~~ dismiss the farmer at Bad River, which will deprive the Indians of aid from Government in plowing their ground next spring. The Indians have been informed of this, but they manifest no great excitement. In the treaties of 1839 and 1842, they agreed to remove when they should be required by government, though they did not expect to be called upon to do so, at least till the time they should receive the last payment for their land.

What course the Government will take to remove them we have no information. It is thought that a proposition will be made to them by the Government to sell the rest of their lands, east of the Missis[s]ippi, and that they will locate the Ojibwas somewhere about the head waters of that river or to the west of it. It is stated also that the Indian Agency will be removed from this place to some point on the Missis[s]ippi. Of course the annuity payments will be made there, when that is done. It is said that they may be removed next season. But this seems to me to be impossible.

How they will be affected in case the Government actually order them to remove, I do not know. I am inclined to think, that if a conciliating course is pursued with them that most of those about this place will make no resistance. If they are removed, some provision ought to be made by the Government for their settlement, more than is provided by any former treaties. They need more aid in farming and building than there is now any provision for.

How this change, if it takes place, will affect missionary operations among them, remains yet to be seen. It may operate favourably in the end. It seems to me that it must operate to concentrate them more. It may be that it will have a tendency to civilize them, and may protect them more from the pernicious influence of the worst class of white men. At present the Government cannot protect those on the ceded lands from the terrible influence of the whiskey trade. It appears to be the object of the Government to maintain military posts on the Missis[s]ippi, in the neighbourhood of the Indians already settle[d] there, for the purpose in part to execute [illegible] the intercourse laws with respect to the whiskey trade.

It is thought by some that the Indians will not be required to remove from this immediate vicinity immediately, as there are no inhabitants who urge their removal. The land is not wanted for settlement. Most of those here would prefer that they remain on account of the fish and fur trade.

Should these changes take place, what will be our duty? I feel this to be a question of no small interest. It

looks like a great undertaking to break up and abandon every thing here, and remove 500 or 600 miles further into the wilderness, and commence every thing anew, at my age. To go through again all the labour and hardship and difficulty which I had to encounter to get established here, I hardly feel as if I, or my wife, could endure. But on the other hand I cannot think of abandoning the Indians, especially at this crisis. They already begin to enquire "What will you do, if we must go? To whom shall we look for instruction if you leave us? We shall all go back to where we once were." And what shall we tell them? That we can do no more for you because it will cost sacrifices?

It seems to me wrong to give them up as lost, if there is any hope of saving some of them. I fear there is not the deep sympathy, and care, and prayers for the Indians that there ought to be. Another thing to be considered is that we have the means of operating among them now, which we had not a few years ago. It must require a good deal of time in a new missionary to acquire the knowledge of their language and customs, and the experience which we have acquired. We have books both for schools, and for communicating religious instruction. These books will be of little use to them unless they have teachers to use them, and learn them to read them. It seems to me that there is no doubt but that there will be field enough to operate in, but like their land, it may be barren and hard to cultivate as it always has been. I cannot but hope however that it will not always be so. There is a Power that can turn the heart of the blind and sensual Indian to himself. I cannot relinquish the idea that the day will come, when God will pour out his Spirit & many of them will be born again.

The thought has occurred to me, that in case the object of the Government should be to draw the Indians away to the Missis[s]ippi or beyond, whether it would not be best to remove our station somewhere into this region, as soon as the Indians should begin to move that way, and to encourage the Indians who attach themselves to us, to remove with us. The Catholic influence at this place is a pretty formidable obstacle to us. I would be glad to get out of its reach if I could. In case we find it necessary to break up here, we might hope to feel less of its power at some other place. I think it would be well to keep our eye out, and look early for a good location. At no point probably would there [be] like[ly] to be concentrated so many French and half-breed Catholics as at this place.

My family is another objection to my moving farther away from the abodes of civilization. On the subject of missionarie's [*sic*] children, the Committee invite us to speak freely. I have often thought of introducing the subject to you, with respect to ours, but have felt a reluctance to trouble you with it unnecessarily.

We have five children between the ages of 18 and eleven years. The oldest and youngest are daughters and the others sons. Their education has been much neglected for the want of suitable schools, and from the multiplicity [*possibly "multiplication" is what the author meant by a blurred correction*] of cares & labours on the hands of their parents, which have prevented us from giving them the attention to their education at home which we could wish. They ought to have different advantages for their education from any they can have here. You of course are well aware of what are the morals in a heathen and

semibarbarous community. I think the hazard to the morals of our children, especially of our sons, is too great, for us to think of keeping them here much longer, and especially of removing them farther from civilized society. There is no business here to form a suitable occupation for them for life. There is nothing but the Indian trade which offers for a living, unless they should sink down to the level of the French and half-breed voyageures [*sic*] & fishermen. There are no examples of enterprize to excite and instruct how to make themselves any thing. The highest ambition of almost every one here is to supply his natural wants in the best manner he can without working for it, and if he is lucky enough to obtain any thing, to eat it up and waste it as soon as he can. They have no idea of the value of property, and never expect to possess any. It would be a trial beyond endurance to see our children form connexions for life with such as they could find for companions in this Indian country. And what security that they might not do it, if they were to remain here? If they see no better society, how can they appreciate the value of better? I have seen many connexions of this kind formed which proved any thing but happy, by persons brought up in very different society.

Very few of those who have been employed as Indian traders, have ended with a good character, good morals, or with property. Most of them contract indolent habits, and in a few years are unfit for any other business, while they have a miserable Indian family growing up around them.

You may ask w[h]ether I have any plan matured to suggest to you. I have none and do not know what is best

to be done. But the subject has been one of anxious though[t] for some time past.

I wrote you a few weeks ago respecting the school appropriation requesting the signiture [*sic*] of Miss A. Spooner to some receipts, and instructions from you. I hope the communications will be duly attended to.

Yours truly

S. Hall

[*Endorsed*:] Rev. S. Hall
La Pointe, Feb. 25, 1850
Recd April 6
Ackgd April 19.

Ramsey To Livermore (March 4, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0194

Minnesota Superintendency.
Saint Paul. March 4, 1850.

Sir:

Enclosed you will receive a copy of the order of the President for the removal of the Chippewas, from the lands they have ceded in Wisconsin, into the region of country properly their own. I also enclose the copy of a letter of the Commissioner of Indian Affairs – from the perusal of which, you will see, that he directs me to assume and exercise jurisdiction over this subject of removal, and inform the Department of the Expense &c. which it will probably involve.

From all the information I have been able to collect at this point, I am of the opinion that the region of country about Sandy Lake will be the most appropriate, as it is the most central for the location of the agency &c. to that place then you will remove your agency, as early in the season as possible, so as to meet me at Sandy Lake, about the first of June.

You will inform the Chippewas, as well as the Missionaries, farmers and mechanics within your jurisdiction of their proposed removal, and as an evidence of the fixed purpose of the Government, give them information that there will no further payment of annuities &c. at La Pointe, but that all supplies will henceforth be issued, and all annuities paid at Sandy Lake.

Do not neglect to inform the Indians, that those who do not remove to, and remain permanently within their own country, will not be allowed to participate in the annuities, provisions &c. of the tribe.

Proceed to make all necessary arrangements with a view to the transfer of the Indians and the agency at the earliest possible period, consistent with their comfort. As I said before I will expect

* * *

I shall make every effort to be at Sandy Lake at the time of your arrival there, where we may upon a view of the whole ground be able the more intelligently to determine the proper Site for the agency buildings.

I have suggested to the Department that one person would be required to march with and advise each of the bands, of which I learned there were Six, and that possibly one person might act in conjunction with you, as Superintendent of the removal, so as to relieve you, as much as possible, of the laborious cares of the march, and enable you to be in advance of the party when necessary.

I will expect to hear from the Department again very shortly, and will know whether my suggestions are approved.

It might be well in the mean time, for you to make selection of the proper persons as above, one for each band – let them be such as will have influence with the Indians, and able to induce them readily to yield to the purposes of Government.

These persons I have suggested could be employed for about one dollar and fifty cents per diem, and their

services would not be required in the removal more than four months – though after that time, should they acquit themselves to the satisfaction of the Government, other employment might be furnished them.

Provisions will have to be issued on the way, say at Fond du lac, and a sufficient quantity might be sent on to that point in advance.

It may be policy to keep all of these instructions, except such as are absolutely necessary to be known, to yourself – in which case you will of course do so.

I should be pleased to hear of your receipt of this communication, and accompanying papers.

Yours truly
(Signed) Alex. Ramsey

Minnesota Chronicle And Register
(March 9, 1850) (Excerpts)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0196

MESSRS. EDITORS: – If news from our northern regions can in any way interest any of your readers, you are heartily welcome to the following. A few weeks ago our quiet place (La Pointe, Lake Superior,) was quite a scene of excitement – The Indian Agent at La Pointe had received a communication from the Commissioner of Indian Affairs stating that the agency would be removed from La Pointe to some point on the Mississippi, and that the Indians would be required to remove from the *ceded lands*, to lands of their own, further north and west.

The Indians appear much dissatisfied at this. They say they understood at the time of the treaty (1842) their Government would not require them to remove before a long time, or, as it was expressed, long after the present generation had passed away. They say also that if they are to be removed, it will have to be done by force, and that if Government had deceived them, they never will listen to any other proposals from them. The truth of the matter is, that at the time the treaty was made, the words contained in the written treaty, which obliges them to remove at the pleasure of the President, was in presence of many respectable witnesses explained as meaning 'that on account of the poor soil, the distance, &c., the Americans would not want the lands for a long time; that the President would at least allow those now living to remain on their old hunting grounds; and under that impression

they signed the treaty. Their attachment to their native land is very great; and except some conciliatory measures are taken, we may reasonably expect trouble.

Livermore To Ramsey (March 26, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0199

John L. Livermore to Alex Ramsey. March 26, 1850.

I have the honor to acknowledge the receipt of your letters of 4th and 9th March inst. together with accompanying papers, and in view of the necessity which their importance seems to create, of communicating without delay with you, farther on the subject matter of them, I have thought proper to dispatch an express to St. Paul, for that purpose.

In answer to your inquiry concerning any instructions I must have received direct from the Department relative to the removal of the Indians and the Agency, I would inform you, that I have received no definite instructions, but such as were accompanying your communications. But in answer to inquiries of mine addressed to the Department, as to the best method of preventing and punishing traffic in intoxicating liquors among the Indians at this place, I was informed by a letter from Hon. Com. Ind. Aff., dated December 2nd 1849, and received here Feb. 7th 1850 that, "there would seem to be no occasion to enter into a consideration of the question proposed in my letter, as it was contemplated to require the portion of the Chippewas still living on the Lands ceded to the United States by the treaties of 1837 and 1842, to remove there from next season to their own country farther North." I was also authorized to discontinue the Bad River farm, and discharge the farmer, and it

seemed to me to be necessary to let the Indians know why it was done and why they could not building their homes, as scores of them were doing or preparing to do. Consequently, I called a council of Indians in the communal land and informed them that the time was about to arrive when they would be called upon to leave the lands which they had sold, in accordance with their treaty obligations. I thought it better to give them this warning, then to have the blow come suddenly upon them. They were indeed considerably excited, and said that the man, who came here to make the treaty, told them, that they would not probably be required to remove for many years, not until their annuities should have ceased, and probably that they could spend their lives here. This, I am told by those who were present, is true. I told them they should be governed by the words of the Treaty itself, and not by any conversation, which might have been had about it. I assured them, that it was the intention of their great Father to do them justice, and whatever their great Father should in his wisdom think best to do in the matter, and alluded to the extreme folly of their setting up an opposition to the designs of the government. I have had but little conversation since, but I am told that they are often *smoking* the subject over, some showing a disposition to oppose the wishes of the government, relative to removal, saying they will never go. I cannot think however, that on the business being undertaken in earnest, they will be so foolish as to resist, although many will no doubt be slow to move.

I shall to the best of my ability act in accordance with such instructions as I have, and may receive from you, and the Department through you in the premises. Allow

me however to say, that the idea of removing with my family, (and I cannot think of going without them) to a place so removed and so difficult of access, to say nothing of other privations, on the small salary of Sub-agent, has nearly [disheveled?] me and led to a debate in my own mind, whether I had not better resign and return to my profession. It would seem however that having accepted the management of the business of this portions of the Public Service, it would be unjust to the government to desert it at this critical juncture, knowing that my acquaintance and influence with the Indians and the little experience I have had during even the short time, I have had charge of it, may enable me to get along with the business, far better than a stranger to it, and I am not without hopes, first the recommendation of the Hon. Com. Ind. Aff. in his Annual Report relative to *certain sub-agents* being called to *full Agencies* will be acted upon by Congress, and trust that this may be among the number.

The business of removing these Indians is no doubt going to be attended with difficulty and embarrassments, and from the position I occupy, *some* are probably seem, which to your Excellency, and to the Department are not so clearly visible. They are scattered over a large Territory, and at this season of the year are widely dispersed through their sugar bushes and hunting grounds, and it would be difficult, if not impossible, at this time to give them general notice.

After they get through sugar making, about the first of May, they generally band together again at certain points, at which time many of them might be found, but they then would want time to market their sugar and

furs, and do up their dancing, and some delay will then occur before they could be induced to commence their journey. Some will go and some will hold back.

To my mind, one very important consideration will be to have *provisions* ready, when they shall assemble. They uniformly arrive at the place very hungry. I have been placed in the embarrassing position of having hordes of starving Indians around [me for so long?] and nothing to feed them. I hope to be never so situated again.

It would therefore seem to me to be one of the first important moves to procure a supply of provisions in time to meet their wants when assembled. I am of opinion that a supply equal to that purchased them at Payment will be none too much to accomplish the removal of the whole. I do not know in what manner you propose to have the provisions procured, or whether you will feel authorized to order them before an appropriation is made. If not, it would seem to me that the movement would be delayed, much beyond the time contemplated. Mr. C.H. Oakes will engage to supply them at any designated point, for costs and charges and a commission of five per cent. I have had no opportunity of consulting any other contractor. I can also secure the services of Mr. Oakes as the principal assistant in superintending the removal, and probably no person in the country would be better qualified, or have more influence with the Indians, than he would. He will wish however to be informed as soon as may be, of his appointment to that duty, if it is entrusted to him, in order to be making arrangements. No doubt the persons to go with the several bands may be obtained for the compensation you named.

But Mr. Oakes, as Superintendent of the removal, would expect such salary, as has heretofore been paid by the government for similar services. I know likewise of several other suitable persons who could be obtained to take charge of the several bands.

But there are difficulties which occur to me, that have not yet been answered. The nature of the country between here and Sandy Lake is such, as to render it very difficult, if not impracticable, for them to go in any manner, except in canoes. And there are many old and infirm, women and children who could certainly go in no other manner. To build canoes will require time*, and there are many not skilful (sic) enough to make them, and too poor to buy them. This will again occasion delays, and perhaps require expenditures. Then there are many who own a little property, such as horses, [word-cows?], houses etc. which of course they cannot take along, and which they will be reluctant to leave.

*Bark does not peel so as to enable them to build canoes until the month of June.

In view of all these circumstances then, although I can myself no doubt meet you at Sandy Lake by the first of June, yet it is very doubtful whether by that time, many of the Indians can be expected to arrive. It may however be important that we should meet by that time. I believe there are no very commodious quarters there for the Agency, or storage for the goods and provisions at Payment and if the buildings are to be erected this season, they should be commenced early.

Allow me to say, that whatever plan of operations you propose, will be prosecuted on my part to the extent of my ability.

The Notice of the President, with the friendly assurances so commended in your letter, will be communicated to them as soon as practicable, and other measures connected with or pertaining to the removal, as soon as determined upon and matured, will be prosecuted with vigor.

But I beg leave to add some more reasons why I am so persuaded that, *do the best we can*, so far as a general removal this season is concerned, it will be a failure. It should be remembered that these Bands of Indians residing North of Fond du Lac and Sandy Lake and the region of Leech Lake as well as those west of the Mississippi with the exception of a few Crow Wings, *do not participate* in the annuities with these Bands, not being partners to the treaties. They retain the exclusive ownership of the Lands, through all that region, excepting a little Territory at Fond du Lac and Sandy Lake. The Indians here say, they *dare not go on those Lands, without the consent of the Northern Bands.* It is doubtful whether the differences between these Bands can be reconciled without the interposition of the Government, in some kind of treaty. They could remove on to their Lands at Fond du Lac and Sandy Lake, but their methods of living, to which they are accustomed, require a wide range. Let five thousand Indians be crowded into the small Territory they call their own, and they will subsist as long as they are fed by Government, after which, they would starve or flee back to their old haunts. Their annuities being small would not support them, and they could not to any great extent be

induced at once to cultivate the ground. It has been suggested to me, whether it would not be better as the first move to send a delegation from each Band, say the chiefs and some of the Braves, to explore the country in view of selecting locations for their Bands, and ascertaining whether their Northern brethren are willing that they should occupy their lands, before the great body of the Indians goes.

I respectfully suggest these ideas for your Excellency's consideration, repeating that whatever course may be adopted I am the Department's humble servant in endeavoring to carry it out. I cannot refrain from adding that to my mind, it would be a great calamity for the Indians to arrive at Sandy Lake in numbers, before there were any provisions there for them.

It being early known there were supplies there might operate like a dish of salt before steers, to call them along for in some parts they are said to be in nearly a starving conditions this season.

Would it not be well them to have some taken up, as early as the time you go yourself?

Unless you think proper to name a later day, I shall endeavor to leave this place in season, wind and weather permitting, to meet you on the First of June. I ought to apologize for the length of this communication.

I would respectfully ask your Excellency to look them over, and return an answer to the several inquiries, and instructions on the several points by return of this express.

P.S. Since writing the above, I have been conversing with some persons relative to engaging in the service of assisting to remove the Indians and have named to them the compensation you propose $1.50 per day. They inquire of me, whether they are to furnish their own supplies or subsist on the public provisions. *I could not inform them without instructions from you.*

They also suggest that in visiting some of the remote inland Indians to get them started they will have to travel rivers and lakes where canoes will be indispensable, and one man could not manage them alone, as they have to be carried over portages. [Five men in good sizes?] could be needed.

In view of these suggestions it may be necessary to increase the number employed to ten or twelve. Please let me know your view relative to this suggestion.

Livermore To Brown (April 10, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0068

LaPointe Ind. Sub Agency

May 10th, 1850

Hon. O. Brown
Commissioner Indian Affairs.

Sir:

I have the honor to return to the department the Receipt Bill for the last Annual Payment of annuities with the original corrections. In sending my circular to the several Bands of Indians to notify them of the determination of the Government relative to their removal, I have been enabled to obtain the signatures or marks to their receipt of surplus, of a sufficient number of Chiefs, I presume to be satisfactory.

I would remark that I am cooperating with Gov. Ramsey in taking preliminary steps towards their removal to their own country. From present indications, many of them are going to be obstinately opposed to going. I have had several councils with them and they uniformly seize upon the verbal statements which Mr. Stewart made to them when negotiating the Treaty relative to the probability of their being allowed to remain on the land *many years*, at least, they say, until they have received all their annuities, which would be twenty five years from the time the Treaty was concluded. I am

inclined to think that in his anxiety to conclude the Treaty, Mr. S. may have given them more encouragement of that kind than was prudent. I judge so, not so much from what the Indians assert, as from notes which were at the time taken by one of the missionaries of the conversation of Mr. S. with the Indians, and to which I have access.

But no efforts on my part will be wanting to endeavor to induce them to comply with the requirements of the Government.

Respectfully

/s/ John Livermore

Beaulieu To Borup (April 25, 1850)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0203

C. H. Beaulieu to C. W. Borup. April 25, 1850.

It has already been said that effort will be made to have the "chippewas & agency be located at Gull or Sandy Lake being the best location on the west of Mississippi". If such places should be recommended by any one to the Governor for the body of Lake Superior Indians to live on, they will surely wronge (sic) the poor Indian, and false recommanation (sic) given to the Governor. Sandy Lake would do for a small body of Indians to live there, say about 30 to 33 familys (sic) for instance. The Gull & Sandy Lake bands could live there with the assistance of Mill Lac, where they could live 7 month (sic) out of 12, on account of the quantity of fish & wild rice that the lake produces. The best location would be Leech Lake where a large body of Indians could live by the facilities that beautiful lake produces, it is known by all that knows (sic) the country that Leech Lake abounds white fish, pike, pickerel and many other kind (sic) of fish and wild rice in abondance (sic)/ plenty of Sugar bushes and good Land to make their gardens or farm. from this lake to Cass Lake is about 4, or 5 miles a part of the Indians could be located on this lake and be supplied by fish as they would at Leech also with the wild Rice that the lake can bost (sic); the sugar bushes are not so common as they have at Leech Lake – from Cass Lake to Winnipeg Lake is about 13 to 15 miles by the Rivers and about 10 miles by land and the timber is Norway Pine and Spruces

and a road could be made with very little expense. Lake Winnipeg is large and may be call (sic) next best of Leech Lake for its sugar bushes & Rice, the fish is not so plenty as L. Lake, but suffices to say that L. Winnipeg can support as many Indians more as she now supports. This Lake lays about 5 miles from Leech Lake and a good waggon (sic) road could be made from lake to lake for 60 or $80.00. The distance from Cass Lake to Red Lake is about 80 miles where many good gardens are made by the industrious Indians that live round (sic) that noble Lake and the fish which is so plenty afford them a very good living on the eating line, but miserable on their clothing. I have no doubt that 1/3 of our Lake Superior Chippewas would prefer Red Lake than Leech Lake. Many families have rais (sic) as much as 50 to 60 Bushel corn last year and I have been told that some had raise as much as 80 bushel two years ago. The four lakes above mention are large & beautiful I will refer you to the Map for the size of these lakes. The distance from Crow Wing to Leech Lake by the Mississippi is about 300 to 350 miles, and not all the way navigable. The little Pakogama falls will be the obsticle (sic) to go with Bouleau, and in low water no bouteau (sic) could go up unless with the greatest difficulty. The rout (sic) which I should recommend (should the Indians be located at Leech Lake) would be by land where a waggon (sic) road could be cut out without much difficulty, of what I have seen of the country I could pronounce it practicable – the road would start from Crow Wing past (sic) by the way of Gull Lake where the road is made for 20 miles on good dry land and the timber being Norway Pine & Spruces & some time on little peapres [?] the same country & soil extend within 15

or 20 miles from Leech Lake where it comes heavier timber but high land and dry – within 10 miles of Leech Lake I have not past (sic) through the timbered land my road being always on the chain of little Lakes but by all the information I could gather and on such persons as I can rely upon a road can be effected, should you learn that the agency is to be located at Leech Lake inform me and I shall lay out a road. I am perfectly satisfied that a road can be made the distance would then be about 80 miles. I started from Leech Lake last winter and came to Crow Wing in two days with my flat trains, and I had to beat the track most of the way, and could not have traveled over 35 or 40 miles a day. The enclose (sic) letters will give you the real information of the Upper Lakes. Revd. Fulgen is a man of high standing in the country well known by all the old settlers and we all know that he would not repeat any thing which was no (sic) so. The only obsticle (sic) which I can see for Leech Lake is that the Indians will object in receiving any other Indians without some recompense from the General Government and may go hard when they find out that a body of Indians are to be removed on their homes & hunting ground. Cass & Winnipeg Lake Indians received not annuity and will hold to their lands.

Sen. Ex. Doc. No. 1, 31st Cong., 2d Sess. (December 2, 1850) (Report Of The Commissioner Of Indian Affairs) (Excerpts)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0100

[SENATE.]

31st Congress, *2d Session.* Ex. Doc. No. 1.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TO

THE TWO HOUSES OF CONGRESS,

AT THE

COMMENCEMENT OF THE SECOND SESSION

OF

THE THIRTY-FIRST CONGRESS.

DECEMBER 2, 1850.

Read, and ordered to be printed, with the accompanying documents.

WASHINGTON:
PRINTED FOR THE SENATE.

1850.

REPORT

OF

THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 27, 1850.

SIR: Before proceeding to submit, for your consideration, a general view of our Indian Affairs and relations during the last twelve months, I would respectfully refer to the accompanying reports of the superintendents, agents, and missionaries, in the Indian country, for more particular information in relation to local operations, and the condition of the various tribes, than can be fitly imbodied in a report of this description.

Among the less remote tribes with which we have fixed and defined relations, and which, to a greater or less extent, have felt the controlling and meliorating effects of the policy and measures of the government for preserving peace among them and improving their condition, an unusual degree of order and quietude has prevailed. It is gratifying to know that amongst this class, comprising a large portion of the red race within our widely extended borders, there probably has never, during the same period of time, been so few occurrences of a painful nature. All have been peaceful towards our citizens; while, with the exception of the Sioux and Chippewas, they have preserved a state of peace and harmony among themselves. These two tribes are hereditary enemies, and scarcely a year passes without scenes of bloody strife between them. From their remoteness and scattered

condition, it is difficult to exercise any effective restraint over them, while their proximity to each other affords them frequent opportunities for indulging their vengeful and vindicative feelings. Each tribe seems to be constantly on the watch for occasions to attack weaker parties of the other, when an indiscriminate massacre of men, women, and children, is the lamentable result. During the last spring mutual aggressions, of an aggravated character, threatened to involve these tribes in a general war; but the acting superintendent, Governor Ramsey, aided and assisted by the commanding officer at Fort Snelling, promptly interposed, and by timely and judicious efforts prevented such a catastrophe.

Such occurrences are not only revolting to humanity, but they foster that insatiable passion for war, which, in combination with love of the chase, is the prominent characteristic feature of our wilder tribes, and presents a formidable obstacle in the way of their civilization and improvement. We know not yet to what extent these important objects may be accomplished; but the present and improving condition of some of our semi-civilized tribes affords ample encouragement for further and more extended effort. Experience, however, has conclusively shown that there is but one course of policy by which the great work of regenerating the Indian race may be effected.

In the application of this policy to our wilder tribes, it is indispensably

* * *

Here they made a stand; and at this lake for many years flourished their metropolitan village. From this spot

marched the war parties which drove the Sioux from Leech, Winnepeg, Red, and the Mille lakes. Their hostile incursions even extended to the Minnesota river, and their hunts to Red river on the west, and Rum river on the south. Throughout this entire region, death has held its carnival, and the bones of Sioux and Chippewa alike whiten its soil. Twice within a century have the Mississippi Chippewas been nearly exterminated by their enemies, but, receiving accessions from Lake Superior, they have held their footing tenacious to the last. Their own country becoming devoid of game, necessity has been the goad which has impelled them still westward, and they now roam over the whole country north and east of the St. Peter's. The feud between them and the Sioux has continued with brief intervals to the present time, and has infused into them a warlike spirit. The eagle plume, denoting the death of an enemy in battle, is with them the highest badge of distinction.

After the treaty at St. Peter's, in 1837, the Mississippi Chippewas received their first payment of annuities at Lake St. Croix. But on their return, through the folly of the Pillagers, they incurred the displeasure of the Sioux, who fell upon them in force, at night, and massacred over a hundred, mostly women and children. The Mille Lac band were almost cut off to a man. This occurrence changed the locality of their payment to La Pointe, and to receive their annuities the members of this division were yearly obliged to traverse hundreds of miles. The sub-agency, also, which had been located at Crow Wing, was from this time discontinued, and, as a natural sequence, the vigilant supervision of government over them much deranged.

In this state they continued up to the convention at *Fond du Lac* in 1847, wherein they sold to the United States the country at present occupied by the Winnebagoes. They also in this treaty stipulated for an agent to reside among them, and for the payment of their share of annuities upon the Mississippi. A farmer and blacksmith have been allowed them, and for two years back they have of their own accord reserved from their annuities one thousand dollars *per annum* for an agricultural fund. A farm last year was located at Gull lake, in a tract covered with a heavy growth of maple timber; and the lower bands of this division, who had been accustomed to rove over ceded territory and Sioux lands, have been induced to move to Gull lake, and commence farming. They have become convinced of the necessity of agriculture; and many families, who heretofore had never planted a potato or a grain of corn, have now little patches of cultivated ground, from which they raise almost enough for their winter support. During planting time last spring, they procured liquor from the ceded lands below Fort Gaines; and, on account of a sudden inroad of the Sioux, which resulted in the death of a favorite son of one of their chiefs, the war fever raged fiercely, causing them to neglect farming operations. Notwithstanding these disadvantages, over one thousand bushels of potatoes have been raised this season at Gull lake, and a respectable quantity of corn, turnips, and pumpkins. There are five chiefs residing here with their bands. The advantages attached to the location are not sufficient to accommodate them all, and another farm should be opened in the spring either on Long or White Fish lake.

The Mille Lac band number about three hundred. Being removed forty or fifty miles from any white settlement, and possessing a lake abounding in fish and wild rice, and bordered by extensive maple groves, they live amid greater plenty than any of their surrounding brethren.

The Rabbit river band, numbering over one hundred, are anxious to become farmers. Last spring they eagerly availed themselves of tools and seed furnished from the agricultural fund.

The Sandy lake band number about three hundred. For the last five years they have been allowed a farmer and blacksmith, and among them is a mission house. Notwithstanding these favors, they have not improved. Their location is blessed with few natural advantages: the lake affords no rice, and but few fish. The occasional flooding of their fields by the Mississippi has discouraged them, and their farm for two years past has been discontinued. For two years their rice crops have failed, and the majority of this band have passed the winters in the vicinity of Crow Wing and Fort Gaines, on ceded lands, hunting and begging for a living.

The Pillagers. – This branch of the Chippewa tribe resides on unceded lands in Minnesota, west of the Mississippi. They number one thousand and fifty, and have their villages at Leech and Ottertail lakes. They are called *Muk-un-dua-win-in-e-wing*, or the "Men who take by force." Only in their distinctive name do they differ from the Chippewas of the Mississippi and Lake Superior: they spring from the same stock, speak in every respect the same language. They were invited to the treaty at St.

Peter's in 1837, and made parties thereto – their chief, *Flat Mouth*, being the first to affix his signature; but, through the caprice and injustice of the other bands, the Pillagers have been refused their share in the annuities accruing under the treaty. This bad faith has created a breach between them and their brethren of Lake Superior and the Mississippi; and it will be extremely difficult to persuade them to coalesce with the latter, and hold with them, as mutual advantage dictates, lands in common.

The Pillagers own in their own right a tract of country four hundred miles in area, interspersed with innumerable fresh-water lakes, which abound in fish. The region has been well suited to their roving modes of life; but, as the animals which are valuable for food or furs have receded, the hunters seek their game upon the lands of the Sioux.

In 1847, they ceded by treaty about six hundred thousand acres of their best hunting-ground as home for the Menomonies. For this they annually receive for five years a stated amount of goods, averaging about three dollars per head. The insignificance of this annuity causes ill-will among themselves, and dissatisfaction with government. They evidently misunderstand the terms of the treaty; and a feeling of distrust, even of hostility, is generating in their breasts towards the United States.

Of the Chippewas residing within the limits of the United States, the Pillagers have been the least infected by intercourse with a depraved white population. But, since the payment of their small annuity, and the introduction of the Winnebagoes into their vicinity, a gradual change has taken place in their character. They have

never received encouragement to become agriculturists, and are therefore entirely destitute of the necessary implements for farming. Last summer their rice crop entirely failed, and on this article they depend mostly for their winter's support. Hunger and starvation menace them; and, in order to procure means of sustenance, their hunters this winter will be forced to press westward till they find the buffalo.

Their country lies in an excellent climate, and possesses many natural advantages; their lakes are surrounded by extensive and beautiful maple bottoms; and, could their attention be directed to agriculture, and some slight help afforded them, they would soon become independent of charity.

Within a few years past, a fragment of the band have moved gradually to the western outskirts of their country, and established themselves at Ottertail lake. These now number some three hundred. They hunt altogether upon Sioux land, as recognised by the lines established by the treaty at Prairie du Chien in 1825.

The northern or Red lake division. – In this division are embraced all the remaining bands, dwelling in the United States, which have descended from the main trunk of that tribe, who, making their way through the Sault Ste. Marie, spread along the south shore of Lake Superior, and from La Pointe scattered over the country of their present occupancy by way of the St. Louis river and Sandy lake.

The fact of their receiving no annuities draws a distinct line of demarcation between this and the other divisions of the Ojibwas.

Their principal villages are at Pembina and at Red, Cass, and Winnepeg lakes. From a partial census taken in 1846 by J. P. Hays, esq., sub agent at La Pointe, their number was estimated at twelve hundred.

The Red lake and Pembina bands derive their subsistence chiefly from agriculture. To this mode of life they have been led by the persuasions of their excellent missionaries, and by the example of the northern half-breeds, with whom they have frequent communication. According to estimates of their traders, they will this year produce not less than two thousand bushels of corn.

In the winter season, they move their camps west of the Red river, to hunt the buffalo, which still abound in that region. In summer, some join the hunting caravans of the Red river half breeds. They have lived in a state of constant warfare with the upper or Sissiton bands of Sioux, and only in obedience to the wishes of government have they refrained during the past summer from fitting out war parties.

Notwithstanding the boundaries of the different nothern tribes were plainly marked and defined by the treaty at Prairie du Chien in 1826, the Red lake bands and the Pillagers claim, by title of conquest and actual possession, a large tract of country lying west of Red river. This matter, at the present time, is much agitated among these bands; and, as their head chiefs were not present to represent their interests at the convention of Prairie du Chien, the claim perhaps deserves consideration.

The chieftainship among the Red lake and Pembina bands is a fruitful subject of contest. *Wa wan-je-guon* has for some years been the chief recognised by government;

but he is represented as a savage of limited influence with his bands, and not belonging to the hereditary family of chiefs. *Wa-wush-kin ik-a*, or "Crooked Arm," is the hereditary chief, and is said to be much respected by his fellows.

Some years ago, *Wa-wan-je-guon*, with a party of his young men, being on a war path, came across a village of the "Gros Ventres," towards the sources of the Missouri river. With the inhabitants of this village they smoked the pipe of peace, and in course of their council learned from their

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Mendenhall To Lea (January 6, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0069

Mount Pleasant Jefferson Co. Ohio
January 6th, 1851

Hon. L. Lea, Commdr. of Ind. Affairs
Washington D.C.

It was with the most perfect confidence in the humane intentions of our Govt. toward the Indian tribes, & with profound respect towards thyself as the head of their Bureau, that I feel myself impelled by humanity to address to address [sic] this in behalf of the Chippewas residing on the South coast of Lake Superior, as lands ceded to the U.S. by treaty of Oct. 4, 1842. I am the more encouraged to hope that I will be practically and kindly heard, because from the last report of the Commdr. I perceive in him a sincere desire to promote the best welfare of that people, who claim so large a share of the sympathies and good officers of a benevolent and Christian Government. I must nevertheless, from an intimate acquaintance with the Chippewas of many years & with all their circumstances, wholly disagree with the Commissioner in the propriety of removing from the country they now occupy, the three Bands of that nation who reside along the Lake shore, viz. the Anse Kewanaw, the Ontinagon and the Lapointe Bands. I take it for granted that the sole object of the Government in their removal would be to prevent annoyance to white settlers, and to remove the Indians from the contaminating influence of the infamous tragic in spirituous liquors – and other ills

which have often attended contact with our people. I am clearly of the opinion, and it corresponds with the opinion of many intelligent white persons I am acquainted with on Lake Superior, that neither of these objects would be in the least degree promoted by a removal: but that on the contrary, it would be attended with the most deleterious consequences to the Indians themselves – and without any advantage to the interests of the few settlers going or likely to go to that country. I am well acquainted with these Indians and the circumstances in which they at present stand, & with the country they occupy – and also with the country to which it is proposed to remove them, and the circumstances along which they would then be surrounded. And with all this, many of those whose opinion I speak of as concurring with mine, are equally well acquainted.

No interest or convenience of the white population of Lake Superior calls for their removal, but all look upon them as a benefit to the chief interest of the country: & during a visit I made to that country in June & July last, I heard but one opinion; not an individual but deplored the proposed removal as in every respect an impolitic step, and, expressing their confidence in the humane intentions of the Government, deemed it the result of interested council and information to the Government. Influenced by compassion for that poor people, I during that visit, drew up a memorial addressed to the President which was with alacrity signed by every manager of mine and every principal man in business in the country to whom it was presented, & that was nearly everyone. That memorial was forwarded in July last, and to it I would

refer those for an expression of the opinion of the people of the country.

Since the commencement of my acquaintance with the Chippewas, 11 years ago, the bands to which I refer have made rapid advances in civilization, industry and domestic comforts: and, except the Ontinagon band for whom nothing has been done by Government or by missionaries, they are at the present moment making rapid progress, and many of them might soon expect to become good and usefull citizens. They are all in a greater or less degree essentially agriculturalists and fishermen, from which they derive their chief sustenance. They not only produce sufficient to place them as to food, in comparative comfort and abundance, but have a large surplus to dispose of as supplies to the mines, distant 60 to 80 miles. Contracts for these supplies are entered into with them by the different mining companies, and are fulfilled with as much promptness and integrity as is expected from any people – instances of their fidelity in this respect, could be given which would put to the blush many much above them in the scale of civilization. So far from being felt as a nuisance by the Iron & Copper companies in that country, they are considered a great advantage, & the humane & high minded gentlemen who manage those companies have heard of the proposed removal with deep regret.

No conflict with the settlers has ever taken place, insofar as I am aware not even unfriendly feelings have been entertained on any occasion. The only depredation I have ever known of or committed upon the property of the whites, was the yoke of oxen killed 3 years ago belonging to me, for which an account has been placed in

the hands of the Secy. of the Interior, & I am advised by him went to the Ind. Bureau. That depredation was committed chiefly by Indians of the Lake Vieux-desert band – 2 or 3 men from the Anse Kewanaw band were however with them I believe. – Yet even in this, there was no malignant intention. The oxen had strayed many miles from the mine, up the middle branch of the Ontenagon River, feeding on the high rushes of the bottom lands, when they were fallen in with by a wandering party in need of food.

But little spirituous liquor has found its way among the Indians of Lake Superior, and the public sentiment of the country is strongly against its introduction. As they emerge from barbarianism they will entertain less desire for it, and will, I think, if they continue to improve, at no distant period be quite as safe from its influence as our own people.

With this, I enclose an extract from a letter I have just received from my friend Nelson Barnuner, a missionary amongst the Anse Kewanaw band, dated Nov. 30th – what it says respecting the state of feeling and the progress of that band, may be said also of the Lapointe band. That band has not however, & for reasons which could easily be given, made quite as great progress as the one at the Anse. Their improvement has however been great, even they are now advancing as rapidly as at any former period.

The country to which it is proposed to remove those Indians, I believe from personal observation to be far inferior in an agricultural point of view, to the one they now occupy – and yet white settlements may be expected

rapidly to press up the Mississippi River as far as the mouth of the Crow Wing River which will be in their immediate vicinity, and they will there be exposed to the hosts of unprincipled whiskey traders who infest that region & from whom no ordinary amount of vigilance can protect them. When this is taken in connection with their disheartened condition on arriving in that country (and no people are more deeply affected by disheartening circumstances) we may expect it to have a hundred fold more destructive effect upon them and more check their progress towards civilization than any similar influences likely to occur to them in the Lake country. The country about the sources of the Mississippi and down the mouth of the Crow Wing is now fully occupied by all the Indians the country can sustain without a resort to cultivating the small tracts of fertile land it contains. Scarcely a year passes without some of them perishing of want – if the Lake bands were thrown in amongst them – and could be induced to retain their agricultural habits = it would only be for their less provident relations to plunder & and live upon them.

I cannot see how the *most disastrous* consequences to this people can fail to follow a removal: it would effectively destroy all confidence in the good intentions of the Government towards them, and alienate their friendly feelings toward the American people: it would discourage their attempts at improvement and arrest all progress in that direction.

I must in justice to myself say, that I have no end to serve but justice & humanity in making this communication. I am not bound to the Chippewas by any ties of interest or of relationship. I would earnestly entreat the

Commissioner & Department to take the circumstances of the Lake bands into carefull consideration: believing if you do so, your regard for the best interest of that people will not permit a removal.

I have always regarded the Chippewas with feelings of deep commiseration, and a desire to discover by what means they could be elevated into the scale of mankind; and have become satisfied that a vigorous, faithful and perservering effort to instruct and aid them in the formation industrious habits & the adoption of agricultural pursuits, will be in great degree successful. I would point to the result at Anse Kewanaw where our treaty stipulations have been the most faithfully carried out, in confirmation of this opinion. Those stipulations secure nearly sufficient means to accomplish the end – but they have, in their practical details, as I think, not thus far, been carried out with the fidelity the Government intended and expects. Sub agents, farmers & others may make fair reports to the Department – but to my certain knowledge a majority of their efforts have been little better than a pretence; while some of those employed have exerted a decidedly vicious influence: I could give many particulars of a most glaring character if necessary.

I would respectfully refer the Commissioner for the degree of reliability he may place upon this communication to my friend the Hon. John Dickey of Pennsylvania, or to the Hon. J.R. Giddings or to the Representative from this district the Hon. Jos. Cable.

I should feel extremely grateful to the Commr., if he should be so kind as to see fit to give me an assurance

that it is not yet too late to hope that a consideration of their care may result in the Bands of Indians of which I have spoken, remaining where they are, while they continue to conduct themselves as they have heretofore done.

Respectfully & Truly

Thy friend
Cyrus Mendenhall

N. Barnum says "Some of the estimates may be somewhat imperfect as your letter came unexpectedly to hand and the time before the mail leaves is so short. They are however sufficiently low to bear the strictest scrutiny.

The number of Indians is about	300
acres of land owned by them including that purchased for them by the missions	676
number of acres under cultivation	200
" " houses owned and occupied by them	64
" " families yet living in wigwams	5
" " cooking stoves 27 – Box stoves 21	Total 48
" " Cattle 41 – Horses 2 –	43
" " Beds raised on bedsteads	64
" " Boats and canoes	65
" " Barrells of fish taken for home consumption	700
" " Barrells packed for exportation	1000
" " Bushells of pottatoes raised	3500
" " Do Do sold	2000

"It will be seen by the foregoing that they do not keep horses – they do not need them – Ploughing is done with

oxen. The estimate for the pottatoe crop is for last year – this season they planted considerably more than ever before – but the crop has been light. They are prepared to put up a larger quantity of fish than ever before in one year. The fact is they are steadily improving every year they add something to their improvements and means of comfort. In almost every house they have a table, some have chairs – and indeed they are in possession of many of the comforts of life.

They do not wish to leave their present homes. They desire to obey the President and to observe the Laws but they are now where they were born – by the graves of their fathers – and here they say they wish to live peacably and to lie buried with their ancestors. Should they be permitted to remain here and receive the pay for their country, they will doubtless continue to improve. Should they be removed, which is unnecessary, as they are in no ones way, it is to be feared their confidence in our Government will be destroyed, and the labour bestowed upon them in a great measure lost.

I think they would prefer staying where they are and lose their annuities to removing and receiving them. Our Indians did not go near the payment at Sandy Lake this fall – it was very late – too late for them to go and return this fall without great risk. They say that they were told when the Treaty was made with them at Lapointe, that if the payment was made at any other place than at Lapointe it should be here. They say too that they were told that the Government only wanted the mineral lands & that they would be permitted to occupy the other lands as long as they behaved well.

The question is sometimes asked here will the Government force them from their homes (many of them bought & paid for) The view of the citizens of Lake Superior would be, "They ought not" I hope they *will not* – It appears to us in this part of the country, that all that is necessary to induce the government to right by the Indians is to have a knowledge of the true state of the case."

signed Yours Sincerely Nelson Barnum"

Having been present at the Treaty of Oct. 4th 1842 I know that this assertion is correct – It was dwilt upon by the Commissioner – & illustrated by saying, "the purchase he wishes to make was like buying a pack of furs of one of them, paying for it, & then handing it back, for the Indians own now."

C. Mendenhall

Treat To Lea (January 21, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0070

O. I. A. – Sandy Lake

L. B. Treat

Secy. Am. Bd. Comm. for Foreign Missions

Washington, 21 Jany. '51

Urging, and stating reasons therefor, that the Ojibwas, (known as Lapointe and Bad River Indians) or Chippewas, be not removed from their country on Lake Superior in the Northwest of Wisconsin, to the west of the Mississippi River, as contemplated, and asking that the Government renew appropriations for schools among them – +c.

Concurred in by
L. H. Wheeler
Mis. A. B. C. F. M.
and
Hon. James Duane Doty
and
Hon. O. Cole

To the Hon. L. Lea, Commissioner of Indian Affairs

The undersigned, one of the Secretaries of the American Board of Commissioners for Foreign Missions, begs leave to represent. That since the year 1832 said Board

has sustained a mission among the Ojibwa Indians; being in the north western part of Wisconsin, and now known as the La Pointe and Bad River Indians; that said Indians have made gratifying progress, especially in the cultivation of the soil, and are now in advance of the great mass of the tribe; that they are particularly anxious, in future years, to receive the fostering care of Gov. in their present location; but the undersigned learns that it is contemplated by the president of the United States to remove them at an early day under the provisions of the treaty of 1842, to the western side of the Mississippi, a measure to which it is believed, many and grave objections may be urged; and amoung these are the following, vis:

1. It was the declared wish of Government when the treaty of 1842 was made, to obtain the controll of the mineral lands, in the possession of the Ojibwas, and not to purchase their territory for agricultural purposes. The Indians were told that they could remain where they were for an indefinite period, except so far as they might be required to give place to miners; and the Commissioners said to them. "You and I shall never see the day when your Great Father will ask you to remove. Had it not been for this assurance, it is presumed, the treaty would never have been consumated.

2. The land which the Indians now occupy is not needed by the whites. There is only one American farmer between Fond du Lac, the head of Lake Superior, and the Ontonagon river, a distance of some 200 miles. Indeed, such is the nature of the soil, climate, and such the general aspect of the country, that it seems altogether improbable that the enterprise of white men wil take that direction.

3. These Indians do not stand in the way of the miners. There is no mining done above there on the Lake; and down the Lake, the nearest mining district, is one hundred miles, on the Ontonagon River. The miners, it is understood are in favor of having the Indians remain in their present homes. The latter can make themselves useful to their civilized neighbors in various ways, as by catching fish, raising vegetables, acting as voyagers, etc. etc.

4. The present position of the Indians would seem to be as favorable to their progressive improvement, in all respects, as any other; and in many respects, it is more favorable than the region beyond the Mississippi.

a. They can more easily obtain the necessaries of life on Lake Superior than beyond the Mississippi. Hence their aversion to a removal.

b. In case of their being transferred to the west side of the Mississippi, there is danger that they will imbibe the war spirit of the Ojibwas of that region, much to their injury.

5. There seems to be little or no danger, where these Indians now are, of their coming in unpleasant collision with the whites. In addition to the facts already stated, it may be mentioned, that the lands in question, as is supposed, contain no mineral treasures; while they are separated from the southern part of Wisconsin, by a wide tract of mountainous and inhospitable country.

6. Should the Indians be left where they now are, they may be expected to become citizens of Wisconsin at

some future day, an event which the Government must greatly desire.

7. The removal of all the Indians who were parties to the treaty of 1842, as contemplated by the President of the United States, will involve the Government in great perplexity and expense. If the La Pointe and Bad River Indians are left behind, the burden and embarrassment will be materially disminished. In conclusion the undersigned would also state, that the Society which he represents has expended several thousand dollars at La Pointe and Bad River, nearly all of which will be lost probably, should those stations be abandoned, and the undersigned is by no means certain that the Board would resume missionary operations beyond the Mississippi.

The undersigned would suggest, therefore, that the La Pointe and Bad River Indians be left in their present location, with the understanding that they are not to be removed therefrom, but that they will be allowed to continue the course of improvements which they have begun, in the hope, that they will eventually become citizens of Wisconsin.

And the undersigned would request the cooperation of the Government in the work of amelioration commenced by the Missionaries by renewing the appropriations for schools, heretofore made, and by giving such encouragement to the industry and enterprise of the Indians, as may be in its power.

All which is respectfully submitted.

L. B. Treat,
Secretary
of the American Board of
Commissioners for Foreign
Missions.

Washington

January 21, 1851

I have resided among the Indians mentioned in the foregoing statment since 1841 and I believe said statement to be entirely correct.

L. H. Wheeler

Missionary of the A. B. C. F. M.

We fully concur in the views presented in the preceding communication of Mr. Treat, and respectfully recommend their adoption by government, and hope the day is not far distant when Indians may by provision of law enjoy all the rights and privileges of white men.

James Duane Doty

O. Cole

Warren To Ramsey (January 21, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0071

St. Paul, Jan 21st 1851

His Excellency Alex Ramsey
Supt. Ind. Affairs

Sir,

Feeling a deep and natural interest in the welfare of the Chippewa tribe of indians, especially those at present residing in Wisconsin and Michigan and now under the ban of immediate removal, I take this method of presenting to your attention facts connected with these people and the carrying out the policy of our Government of removing them from the lands they at present occupy: facts obtained by a long residence among them and close observation.

After the order for their removal had been signed by the President and promulgated among the different bands this past summer, I received pressing invitations from certain of their chiefs in Wisconsin in which they intimated that they had determined not to obey the order for removal till they had seen their Great Father face to face and he had explained the promises he made to them through his commissioners at the Treaty of LaPoint in 1842.

Pursuant to their wishes and apprehensions of them taking premature steps which would involve them in trouble, I left my home at Gull Lake October 17th and under a furlough from yourself, allowing me to be absent for one month from my station as Indian farmer, I visited the principle villages on the Chippeway accompanied by as many of the chiefs and headmen as I could prevail on to go to their payment at Sandy Lake. We proceeded from twenty five canoes by the Chippeway, Numa Kagnu, St. Croix and Bois Brule Rivers to Fond du Lac (words) appointment. We met the principle chief's headmen and half-breeds of the Lake Superior bands.

I found to prevail great dissatisfaction at the prospects of removal and the change of their pay-ground from LaPointe to Sandy Lake. Not only in their councils, but throughout the whole length of my journey, I heard in every lodge and from the mouth of every man and woman a determination exercised not to remove.

The principle reasons given in their general Councils for this determination are briefly not only the great natural love of country inherent in the Indians breast, but in the apparent misunderstanding which has occurred between this tribe and our Government at the Treaty of Lapointe 1842, in concurrence of an article of which the order for removal has been given.

At this treaty the indians understood the commissioners to say that "Their Great father did not want their lands, but the copper abounding in their country" – he also guaranteed to them in words that they would not be removed at any rate during the term of their annuity, and probably never.

It was under this verbal understanding, and only this, that the treaty was signed by the Chippeway chiefs. It is firmly engrafted on their minds.

Another cause for their unwillingness to remove, is the poverty and total unfitness of the country they still own in common with the Mississippi Chippeways living in Minnesota, and to which they would naturally be removed.

No provision has ever been made in any of their treaties contemplating their removal. Their own means are small and entirely insufficient to support them in the miserable country they still own. Whether this will go to prove that their early removal had not been heretofore contemplated by our Government or is mainly a want of foresight in the commissioners negotiating treaties with them, I will not presume to say.

Many of the Lake Superior Chippeways under the supposition that they would never be removed, have become partially civilised. Living by agriculture, owning farms and stock, living in houses and professing the religion of the whites. Of these the lowest estimate is four hundred souls, and to remove them is like throwing them back into the darkness, poverty and degradation from which the untiring efforts of the missionaries and cultural advantages of their villages have gradually lifted them.

These, Sir, I have found to be the principle causes which will tend to make a removal a matter of great difficulty. But they are all causes which can be done away with by our Government in a spirit of justice and liberality.

Since the order for removal has been given, an appropriation has been made to remedy in a measure the want of foresight in to some treaties. But in my humble opinion, it will require stronger and more liberal measures to effect an early removal and secure to these indians a sufficient livelihood.

They absolutely need a country more fitted for them than that which they still own. They need a large agricultural fund to be laid out and expended immediately, and a subsistence fund which will feed them in their new country till their fields can be made to supply them with food. Unless this is accorded them, it is misery and almost certain death for the Chippeways of Lake Superior and Wisconsin, numbering four thousand souls to remove.

It is adding fuel to the war fever raging for centuries past between them and the Sioux, because you force them to conquer a new country or die. It is breeding a misery in this territory which will bring danger to pioneer frontier men, and eventually lead to trouble, mischief and bloodshed.

Since the order for removal has been promulgated, other causes have unhappily arisen which has infinitely strengthened in the minds of the indians, a determination not to remove. I have reference to their being summoned to Sandy Lake to receive their annuity payment, where through unavoidable circumstances, they were detained on short allowance of provisions a long length of time, and during their best hunting season. They were made to suffer severely from the cold for want of their goods, which could not be paid to them till their agent had

returned from St. Louis where he had gone to procure their money annuity.

Sickness also made its appearance amongst them, and in their totally destitute condition, cut off nearly two hundred of their number. All this, together with the non-payment of their money is looked on by then but as a foretaste of the consequences of their removal, and of the country to which they believe they are to be removed.

All this loss of life and suffering they attribute to our Government, and a feeling of desperation, and revenge is fast engendering in their minds against us.

I venture to say that none have a better chance and enjoy better opportunities of ascertaining these facts than myself.

It is a duty, I owe, not only to our own people, but to the Indians themselves, to represent this matter to your attention, that you may early devise measures to prevent the strengthening of these feelings in the minds of our Red neighbors to wipe off the ill will they bear towards our Government, and consequently with less difficulty and expense carry out the policy of their removal.

As a first step towards affecting this desirable object, I beg leave, to respectfully recommend a measure, the fulfilling of which I know is dearest to the hearts of the principle chiefs of the tribe.

It is that a delegation of principle chiefs headmen and half-breeds be allowed to visit their great Father at Washington early this spring.

It was to effect this object which secured a respectable attendance of the tribe to their new pay ground. Delegations were sent from the Lake Superior, Chippeway and Wisconsin River Villages to Sandy Lake with instructions from their respective bands to make a collection at the pay table from their monied annuity to defray the expenses of such a delegation.

They are anxious to be heard by their Great Father in person, who has always been represented to them. As their friend, and who they think will listen with a pitying ear to their wants and wishes.

It is engrafted on their minds that he will revoke the order for removal on hearing their words, and no reasoning from their friends can erase this false impression. It is the operation of many that they will not obey the order of their Great Father until they hear him renew it after he has listened to their remonstrance.

I consider, therefore, a delegation sent to Washington as the first step towards effecting a removal and a most necessary step towards erasing in the minds of these indians, the hard feelings engendered toward us by untoward circumstances. The expenses could be paid from the removal fund already appropriated. A delegation of twelve principal chiefs, speakers and warriors, and four of their most influential half breeds would consume but a small portion of this fund, and it certainly cannot be expended in a manner more sure and effective in carrying out the purpose for which it is intended.

The expenses of each individual including outfit in clothing, board while at Washington, would be about one hundred and eighty dollars, $180.00. The sum of three

thousand dollars, $3,000.00, would cover all the expenses of such a delegation, including interpreters and the object to be gained are fully equivalent to this outlay. Much care should be taken in the choice of persons forming the Delegation.

There are but few chiefs in the tribe of extended or real influence. Among these, few stand: Buffalo Head, Chief of the Lake Superior Bands and Ali-mons – Chief of the Lac Du Flambeau.

Had the object of their visit to Sandy Lake become fulfilled, these two chiefs had been unanimously named in council of the tribe and heads of the delegation. (Words) were named Osh-ka-ba-nis – Chief of Wisconsin, Ke-mansee – Chief of Lac Coutereille, Nuh-ang-ale Chief of Long Lake, Buffalo – Chief of the St. Croix, (word) noshay – Chief of Chippeway River, Osho-gay – Speaker for the Lapointe bank, and Nug-aun-sib – Speaker for the Fond du Lac band; four leading, half-breeds had also been named to form part of the delegation vis: Vincent Roy of Lapointe, Edward Conner of Wisconsin, George O'Marren of Chippeway, and Alex Corbin of Lac Countereille.

These gentlemen have an extended influence over the respective bands with whom they reside, and it will be indispensably necessary to attach them to the delegation. Indeed, I doubt if the chiefs would go without them.

I would also respectfully recommend an order to effective [sic] a good understanding between our Government and the villagers, and between them and the Lake Superior Chippeways [sic], that their Chief Flatmouth with two of his headmen or warriors including the Ottertail Lake Chief be invited to join the delegation. This step may

conclude to secure measures, I am aware you have already recommended. There are jealousies and ill will existing between these two divisions of the same tribe which should be immediately done away with.

It would be most desirable should you find it consequent to take this delegation to Washington yourself, or at least be present with them while there.

Should these suggestions be considered worthy of notice and adoption by yourself and the Indian Department, I hope an early notification to that effect will be made so that the delegation can be collected at this or other more convenient point to proceed on their journey by the first opening of Washington.

In conclusion, I will remark that I am satisfied in my own mind, and so is every enlightened person who feels and interest in the welfare of this tribe, that under their present circumstances in Wisconsin and Michigan; the laxity with which the intercourse laws of those states are carried out, especially the laws prohibiting the sale of intoxicating liquor to the indians. It is better for the Chippeways to remove. Always provided, they are moved to a country adapted to their wants and habits, and with sufficient means for a livelihood thereon a country in which they could live under the humane guardianship of our General Government, and which be guaranteed to them forever. Which last is my opinion, the first and necessary step towards their eventual civilisation.

Should this humane policy be pursued forward thence, I, for one (and I may speak the voice of my fellow half-

breeds) will be made to use my utmost efforts to carry out the policy of our Government towards this tribe.

I shall be ready, as I ever have been, to help the officer of Government in performing with these indians the instructions of their Great Father.

Ramsey To Watrous (February 10, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0016

Alex Ramsey to L. Lea. February 12, 1851.

As information to the Department connected with the approaching removal of the Chippewas, I have the honor to transmit the enclosed copy of a letter addressed by me to sub-agent Watrous, advising certain steps as necessary initials to the removal.

Ramsey to Watrous. February 10, 1851.

That the removal of the Chippewas from ceded lands in Michigan and Wisconsin may be permanently and satisfactory, it will be necessary to render their new homes as inviting as the means at our command will allow.

Above all things else a scarcity of provisions during the next winter must be provided against. As some three or four thousand removal Indians will desire provisioning to a certain extent during the winter of 1851-52; and as, at the high price of provisions, this number cannot be subsisted on pork, corn & flour, which necessarily will have to be transported some three or four hundred miles, I think it proper, so far as the fund allowed for removal and subsistence will admit, that the farms at present maintained among these Indians under treaty stipulations, (those for instance at Fond du Lac, Sandy Lake, and Gull Lake) should be thoroughly examined this winter the fences repaired early in the spring, and as much additional land broken as possible. Seed should also be

provided, and from each farmer all the service exacted that can be rendered. During the growth of their potatoes the crop must be protected, and the farmer retained in so doing; and especial care must be taken that a sufficient quantity is stored for winter use and for seed.

At Mille Lac and Rabbit River the Indians have for some years evinced an improving disposition, and have themselves maintained at these points small farms. Here, as it can be done with slight expense I would advise you to encourage and stimulate their efforts, by furnishing them at each of these localities from one to two yokes of oxen, and if needed seed potatoes etc. It might also be well to furnish them a laborer to do breaking, and by personal visit if possible manifest an interest in their farming operations. In addition select a site at the mouth of the Pine river, White Fish lake or some other proper point, and early in the spring break without delay 50 acres, and plant it in potatoes.

As soon as sugar making is over, which will be about the first of May, the removal must commence. During the winter it will be necessary for you to mature all your plans, and see that the different men who have been selected to accompany and superintend the different bands in the removal are ready for duty at a moment's notice.

Be especially guarded against the machinations of interested persons who may seek to thwart the removal, in expectation that in case of a failure, Government may let it out to contract.

Lea To Stuart (June 3, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0094

L. Lea to Stuart.

By the Treaties of July 29th 1837 and October 4th 1842, the Chippewas of the Mississippi & Lake Superior made large cessions of land to the United States lying within the limits of Minnesota Territory and the State of Wisconsin stipulating for the privileges of occupancy there at the discretion of the President.

In I849 the Legislative Assembly of Minnesota passed a series of Resolutions approved October 4th of the same year the first of which required the revocation of the privileges granted to the Indians residing in the ceded lands in that Territory; and the late President in conformity with a recommendation from this office issued an order dated February 1850 directing the removal of the Chippewa parties to these Treaties which included those residing in Wisconsin to whom the resolutions of the Legislative Assembly had no reference.

When the extent of this order became known communications from sources of the highest consideration embracing petitions from the Legislature of Wisconsin and the citizens [word illegible] the ceded country; letters from the authorities of Missionary establishments, among the Chippewas of Lake Superior and other highly respectable individuals were received at this office remonstrating in strong terms against the applications of the order to these Indians.

In view of the weighty reasons assigned in the communications referred to from which it appears that the removal of the Anse Vieux Deserts, Ontonagen, Rewaninon, La Pointe & Bad River bands of Chippewas is not required by the interests of the citizens or Government of the United States and would in its consequences in all probability be disastrous to the Indians. I recommend that the order of the President be so modified as to permit such portions of those bands as may desire it to remain for the present in the country they now occupy.

Chippewa Address At Swan River (June 30, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0072

A Chippewa Address

Hole-in-the-day, the celebrated Chippewa Chief, sends us the subjoined communication, dictated by him in Chippewa, and then translated and written in English.

The Chippewas have just cause for complaint. A most inhuman cruelty is about to be inflicted upon them. About four thousand of this tribe are to be crowded into the neighborhood of Sandy Lake, where the soil is poor, and the country destitute of game. They may be induced to go there to the payment, but will not remain, unless compelled by an armed force.

That country was selected as their future residence by Gov. Ramsay, against which W. W. Warren, W.A. Aitkins and other gentlemen well acquainted with the disadvantages of the location, protested. A large number of the Chippewas died there at the payment last year. They regard the place with horror. Governor Ramsay has managed our Indian Affairs badly. We fear that he has been too much influenced by the wishes of interested counsellors.

Hole-in-the-day supposes that Mr. Watrous is to blame because the complaints of his tribe do not reach Washington. The fault, we think, is attributable solely, to Governor Ramsey. But let the Chippewa Chief speak for himself:

To The White People:

I wish to remain a friend to the whites.

As a Chief of the Chippewas who occupy a large portion of this Territory, it is my duty to attend to their interests and to endeavor to preserve good feeling between them and our white brethren.

We have many things to complain of, which is fast widening the bonds of relationship between us and our Great Father at Washington; who we think does not know, or understand, the miserable condition of his Chippewa children. It is true he has placed an Agent over us, whom we call Father, but our complaints in his ears are but as a passing wind; and though our Chiefs send words through him to our Great Father, we never receive an answer. The road they go is probably crooked, and they never reach him. For this reason I follow the custom of the whites, and have my words burnt on paper that all may know my mind; and some one may feel interest enough in our fate to repeat my words to our Great Father.

For the past two years, every wind that has blown from the seat of our Great Father, has brought us the news that my tribe were to be removed for their old homes on Lake Superior and Wisconsin, and located on the Mississippi, in a country we still own, but which is only the refuse of that which we have sold to the whites, and which is destitute of game and every other way unfit to support the lives of the 4000 people who are to be removed on it.

We are told that this removal is ordered by our Great Father on the strength of the treaty he made with our tribe, at Lapointe in 1842. It is written in that treaty that we are to remove at his will from the country we then ceded. It is so written; but I call the Great Spirit to witness that it was not so told to, or understood by us. The Commissioner with whom we treated had been a trader. He got traders to help him. He promised us through them that for at least twenty years we should not be removed, and probably never. He told us that our Great Father had no need of the land but wanted only the copper on it.

It was on the strength of this promise, and nothing else, that our chiefs signed the treaty. We have white and half-breed witnesses to prove what I say. We do not blame our Great Father for acting only on that which is written, for he has never heard our words. Our Chiefs have repeatedly asked permission to go and see him at Washington, or to send a delegation, in order to lay all our wrongs and poverty before him, and come to a fair understanding with him. We have even offered to bear our own expenses, but the road is barred, and our tongues are held. We are pushed on to death without being allowed a hearing.

Our payment was made last year at Sandy Lake, late in the fall, as a first step to removal. The consequence of this was, that though less than one-half of the tribe attended, yet we lost two hundred lives through bad provisions and exposure to the cold, while waiting for our payment, of which, after all, we received but a part.

The waters froze before we could return home. We lost our canoes. Our sufferings have been extreme. This is but a commencement. This season our tribe are being gathered, to be again brought to Sandy Lake – their grave-yard. In case of refusal, threats are made of the consuming anger of their Great Father – his soldiers – loss of payments &c., Promises of plenty to eat, large farms &c., are made to induce them to come; but I see not a thing of all this. I see no adequate preparation to feed and support them in their new country. My people told me last fall to send them word when I saw that they could live here, but so many promises have been made and broken with us, that we are learning not to believe till we see. I have sent my people to remain where they are, for I can see nothing before them here but starvation and death. Sickness is already again prevalent at Sandy Lake. Some corn has been taken here, but having been wet, it was sprouting out of the bags. For thus attending to my sacred duty to my people, and trying to prevent the death that desolated our wig-wams last fall, I hear that our Agent has requested the commanding officer to confine me to the Guard House, at Fort Ripley. What right he would have in thus doing, he only knows. I speak to my white brethren. I ask and demand of the whites that before they allow such an extreme measure to be taken with me, which will turn my friendship into gall and hatred, that I be allowed a fair and impartial hearing, and trial according to the custom of the whites. If I am guilty, I will not flinch from punishment. It will require no soldiers to take me – I will deliver myself up without a murmur.

It is not the wish of the Chippewas to break any treaty with our Great Father, though it may have been misinterpreted to us, and misunderstood. We do not wish to throw ourselves into the fire, by measuring our puny strength with his. On the contrary, we wish to remain under his protection. We hear that he has kindly made provision to help our people remove, and make farms to supply them after removal. Let this be done under the management of people who know our ways and feel for our interests; people whom we can point out; and not, as it is, in the hands of selfish traders and people who make money their only Great Spirit. Let this be done – let me but see that my people can live on my lands, and I will be the first to urge them to come; I will travel from village to village to induce them to obey the wishes of our Great Father. But as long as they are to be fed on false promises and rotten provisions, I shall consider it my duty to advise them to remain at home; for it is better that they should die there, than come here to die, incurring the same fate on the few who are barely able to support life from the resources of their poor country.

When we sold our lands we were promised pay every year; but last fall we received no money annuity. Being poor, and depending on it, the loss entailed on us hunger and nakedness, through the cold winter. We have patiently waited, in vain, all spring, to receive it according to the promise of our Agent. We hear that he has placed it in the hands of a trader to take to Sandy Lake.

Three years ago the Mississippi bands of Chippewas were not paid their provisions and ammunition. What has become of them? The country we sold is good. One copper mine on Lake Superior is worth more than the

whole sum we received for the whole copper region. The pine forests in Wisconsin are enriching our white breathren.

We have always obeyed the slightest wish of our Great Father, and we have sacrificed our best interests to gain his good will. Never has he demanded our lands but we granted them at his own price. For this, he should have pity on us. He should not trample us under foot and see us die off by hundreds, as we hear has been the fate of tribe after tribe of his more Eastern red children.

Last spring, after fifteen of our number had been murdered in cold blood in time of peace by the Siouxs, and after we had taken up our war club to revenge it, the work of our father at St. Paul came to us to go down to Fort Snelling, to make peace. Ever ready to obey his wishes, we went down, a handfull of us, into our enemies country, and having named a price for our murdered relatives, which we expected to receive, we buried the war club, we hoped forever. We have not yet received the price of that blood. Instead of it, war parties of Siouxs have formed under the eyes of their Father to come and spill more of our blood. One of our half breeds has been wounded and maimed for life. What shall we do. Shall we longer stand by and suffer all this like women.

I could say much more – tell many more truths but it is sufficient.

The Chippewas are poor; they have even no great trader at Washington to speak for them to their Great Father. For this reason, I am obliged to speak as I best may for my people. Though it may cost me my liberty, it

is my duty, and I will continue to speak, and act also, till the wrongs my people shall be righted.

HOLE-IN-THE-DAY, (his mark)
Chief of the Chippewas

SWAN RIVER, JUNE 30, 1850

Mix To Graham (August 23, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0221

Graham Hon. William A — Department of the Interior.

Acting Secretary of the Interior — Office Indian Affairs

Above — August 23rd 1851

Sir:

I have the honor to state that a dispatch from Agent Watrous, dated at Lapointe, 18th instant, stating that one thousand Chippewas were there assembled and that he could not remove them without the aid of Troops, has been received at this office. It is proper, therefore, that I should call your attention to a communication which was addressed to the Hon. Secretary of the Interior, by Commissioner Lea, on the 3rd June last, in which, in view of the disastrous consequences that in all probability would flow by reason of the removal of these Indians it was recommended, "that the order of the President, be so modified as to permit such portions of these bands as may desire it to remain for the present in the country they now occupy."

As no action known to this office has been had in reference to the recommendation of Commissioner Lea, under the circumstances referred to in the dispatch of Agent Watrous, I beg leave to recommend that I may be authorized to instruct Agent Watrous to suspend the removal of these Indians until the determination of the

President upon the recommendation of the commissioner is made known to this office.

Very Respectfully
Your Obt. Servt.
Charles E. Mix
Acting Comr ad interim

Letter And Telegraph Of August 25, 1851, Sec. Of Int. To Comm'r Of Indian Affairs: Telegraph From Comm'r To Agent Watrous

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Department of the Interior
August 25, 1851

Commissioner

Sir:

As you request in your letter of 23 inst. You are authorized to instruct Agent Watrous to suspend the removal of the Chippeway Indians until the final determination of the President upon the subject of your letter of the 3rd June 1851. Can be communicated to him.

I am T.W. Abraham
Act. Sec'y

(Telegraph)

Office Indian Affairs
August 25, 1851

Watrous, J. S.
care of IJ.L. Whiting
Detroit, Michigan

Suspend action with reference to the removal of Lake Superior Chippewas for further orders.

L. Lea
Commissioner

Buffalo To Lea (November 6, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0073

La Pointe, Lake Superior
November 6, 1851

To the Hon. Luke Lea.
Commissioner of Indian Affairs,
Washington, D.C.

Our Father:

We send you our salutations and wish you to listen to our words. We the Chiefs and head men of the Chippeway Tribe of Indians, feel ourselves aggrieved and wronged by the conduct of the U.S. Agent John I. Watrous and his advisors now among us. He has used great deception towards us in carrying out the wishes of our Great Father in respect to our removal. We have ever been ready to listen to the words of our Great Father whenever he has spoken to us, and to accede to his wishes. But this time, in the matter of our removal, we are in the dark. We are not satisfied that it is the President that requires us to remove. We have asked to see the order, and the name of the President affixed to it, but it has not been shewn us. We think the order came only from the Agent and those who advise with him, and are interested in having us remove.

We will now tell you the words of the Commissioner spoken to us when our lands were sold at La Pointe. "Your Great Father," he said, "does not want the land to cultivate, it is only the mineral on it which he wants. The Whites do not wish to come and occupy your country

now – until they want it you will be permitted to live and hunt on your land as before. So far as you may live on land which will be wanted by the miners and you will have to remove [to] one side; but if you are not in the way of the whites, and live on terms of friendship with them, it will be a great while before you will be required to remove. I don't believe that you or I will ever see the day when you will be troubled about your lands." He said that we and our children after us might be permitted to live on our land fifty years or even a hundred if we lived on friendly terms with the Whites. It is true, our Father, that some of our countrymen have had trouble with the whites; but this is not true of us who live on the Lake. We have never shed the blood of the Whites; nor killed their cattle; nor done them any injury; and we are not in their way. And why is [it] that we now hear this order to remove? We do not understand it. Stuart, the Commissioner, promised us when the treaty was made that our payment should be made at La Pointe for twenty-five years. But now the man you have sent to be our agent has removed our payment to a distant place. The Commissioner (Mr. Stuart) promised us too, Carpenters, Farmers, Blacksmiths and Teachers, to work for us and teach us how to build houses – cultivate the soil and become wise like the Whites. These the Agent has now taken away. It is when we think of the promises made to us by the Comm. who bought our lands, and think too, of the conduct of our present Agent that we cannot believe that he is acting according to the instruction of our Great Father, in trying to affect our removal.

We wish to speak now of our payment at Sandy Lake, how we suffered and were deceived there by our Agent.

This is what our Agent told us. "Come, my children, come to Sandy Lake and you shall have plenty to eat and be fat and I will make your payment quick." We went, but did not find him there. His Secretary and Mr. Warren[5] were there to take care of the goods, but he had gone down the River to get the money. Instead of having a good supply of provisions to eat, we had but little; and the pork & flour furnished us had been soaked in the water, and was so much damaged that we could not eat it. It was this that caused so much sickness among us. After being kept there two months waiting for our payment, the Agent at length arrived and paid us our goods, but our money we did not get at all. By this time the rivers had frozen and we had to throw away our canoes and go to our distant homes with our families on foot. As the Agent did not supply us with provisions we were obliged to sell our blankets and buy on credit with the traders, that our children might be kept from starving and we have something to eat during our journey home. When we left for home we saw the ground covered with

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[5] William Whipple Warren was the son of Lyman M. Warren, who with his brother came to the Lake Superior region in 1818 and entered the services of Michel Cadotte, a La Pointe fur trader. Lyman married Cadotte's daughter, Marie, who was three-quarters Chippewa; their son William was born in 1825. The boy early became fluent in Chippewa and subsequently became a skilled interpreter. Married at eighteen, he moved with his wife to Minnesota and in 1850 was elected to the territorial legislature and began his *History of the Ojibways Based Upon Traditions and Oral Statements*, which he completed in 1852, a year before his premature death from tuberculosis. In 1885 his history, together with a biographical sketch, was published as volume V of the *Collections of the Minnesota Historical Society*.

the graves of our children and relatives. One hundred and seventy had died during the payment. Many, too, of our young men and women fell by the way, and when we had reached home and made a careful estimate of our loss of life, we found that two hundred and thirty more had died on their way home. This is what makes us so mad to think that the payment should be removed to that place.

We will now speak of what has taken place this summer. In the Spring the Agent wrote to the Chief at La Pointe, telling him not to let his young men plant at Bad River – that he was going to plant for them at Fon[d] du Lac.[6] In the summer he came himself, and ordered us to arise quickly and go to Fon du Lac. We asked him by what authority he requested us to remove. He said it was the order of the Great Father himself, and if we did not promptly obey we should soon see soldiers here to compel us to go. He said we were not required to go any farther than Fon du Lac, or to our own land, and if we would go there, he promised us, that when we should arrive, we should find our money ready for us, and that farms should be opened, and stores of provisions be laid in, and everything be provided, by which we should be

[6] At the Bad River mission, under the direction of Reverend Leonard Hemenway Wheeler, a Congregationalist missionary, much attention was paid to improving the Indians' manual and agricultural skills. On June 30, 1851, in an attempt to move the Chippewa farther west, the government subsidy given the American Board of Commissioners for Foreign Missions for this work was withdrawn. Watrous, in ordering the planting at Bad River stopped, was merely following instructions. See *Annual Report of the Commissioner of Indian Affairs, 1852*, 49.

made comfortable and happy. He wished us to go to Fon du Lac with our families and go to Sandy Lake for our payment. We said we should not go there – When we die we will lay our bones at La Pointe. We told him if he would pay us well, we would go to Fon du Lac and no farther. He said he would pay us our money at Fon du Lac, both our last year's payment and this year's, but the goods had been ordered to Sandy Lake and could not be carried to Fon du Lac. He promised our Chief Buffalo that he should go to Washington to see our Great Father that he might hear with his own ears his words and tell him all about our affairs. He said he himself would go with our Chief, pay his expenses to Washington and back again, and would take good care of the Indians and see that they were well fed during our Chief's absence. We went to Fon du Lac but were not fed well. Our rations did not fulfill his pledges we should have full liberty to return again to our homes. We did not see them fulfilled. And when we saw that everything was contrary to what we expected, and to what the Agent had promised, we arose and returned home. But not until he had left, and there was no more hope of our expectations being fulfilled.

Believe these words, our Father, which we have spoken about our Agent that it is in consequence of what he has done that we are so poor. Our women and children do indeed cry, our Father, on account of their suffering from cold and hunger. You, our Father, are at the head of all authority, and you have it in your power to redress all our grievances. We wish to have our future payments made at La Pointe as they formerly were. We wish to have our Farmers, Carpenters, Blacksmiths, & Teachers

restored to us, and we be permitted to remain here where we were promised we might live, as long as we were not in the way of the Whites. We wish to be remunerated for the losses we have suffered at Sandy Lake. We ask for not one shilling more than any honest man will say we ought to receive. And finally, that our affairs may be properly investigated and justice be done to us, we wish that a delegation of our own choice, in connection with any that you may wish to send for, may be permitted to visit Washington. Especially would we like to have our friend and half breed child Wm. W. Warren go. In his truth and friendship we have confidence, he is well acquainted with our affairs, and he has ever advised us to listen to the words of our Great Father.

One thing more. The Indians are especially displeased at seeing the Agent so intimate with the traders. The goods and money of the Indians are deposited in their stores. They are the constant advisers of the Agent and, we fear, extensively control his conduct. We wish our goods and money could be deposited somewhere else and the Agent have for his counsellors a more disinterested class of persons.[7]

To further substantiate the case against Agent Watrous, on January 21, 1852, William W. Warren, by then a resident of Minnesota and fatally ill with a pulmonary disorder, appeared

[7] Indian Office Files, 1852, no. 70. Certifying to the authenticity of the petition were Sherman Hall, superintendent of the Chippewa Mission at La Pointe; Charles Pulsifer, one of his teachers; R. Blatchford, his interpreter; and Reverend L. H. Wheeler, in charge of the Chippewa Mission at Bad River.

before a St. Paul justice of the peace to make a formal deposition. In it he charged Watrous with having been a former gambler and whiskey vendor to the Indians, with having habitually cohabited with their women, and with using his office not only to deceive the Indians at every turn but also to connive with his trader friends to exploit them economically.[8]

Warren's deposition, together with many letters praising Watrous's character and ability, arrived either at the White House or the Office of Indian Affairs and duly found its way into the archives. Among his staunch supporters were the Indian missionaries Sherman Hall and William Boutwell; Henry H. Sibley, governor of Minnesota Territory; James Duane Doty; and First Comptroller of the Secretary Elisha Whittlesey, who as a Congressman from Ohio had secured Watrous his agency appointment.[9]

To be sure, the testimony of many of these writers may have been somewhat colored, since a majority of them had at one time or another been involved in the fur trade, land acquisition, or government activities; but whatever Watrous's faults or virtues as an agent may have been, his own written defense of his actions suggests something of the difficulty of his position. Obviously able – he had been a member of the Wisconsin legislature in 1850 – he was also a man of some education and possessed of a disciplined mind, as his letters amply reveal.

[8] Indian Office Files, 1852, no. 77, box 37.

[9] For the series of letters supporting Watrous see Indian Office Files, 1852, box 37, nos. 74-103; for Watrous' defense of his actions see Watrous to Luke Lea, June 2, 1852, in *ibid.*

Required to execute policies not of his making, it was inevitable that he would become in the eyes of the bewildered and embittered Indians the embodiment of all that was hateful in the government of the rapacious whites. It was he, they doubtless reasoned, who had personally ordered their removal, forced them to travel a long and cruel way to receive their annuities, fed them meanly, paid them unfairly, refused to let their young men plant the customary crops at Bad River. Whereas, in fact, the fault lay in Washington rather than in Wisconsin, and Chippewa vicissitudes sprang primarily from the government's unrelenting determination to force them westward and into assimilation, a policy clearly ennunciated by Luke Lea, Commissioner of Indian Affairs when he wrote in his annual report of 1852: "The embarrassments to which they [the Indians who resisted deportation and absorption] are subjected, in consequence of the onward pressure of the whites, are gradually teaching them the important lesson that they must ere long change their mode of life, or cease to exist at all. It is by industry or extinction that the problem of their destiny must be solved."

Ramsey To Lea (December 26, 1851)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0096

Ramsey to L. Lea.

I have the honor to enclose to the Department copy of a letter from Agent Watrous, giving a concise summary of the present position of the Chippewa removal – the expenses which will have been incurred in its prosecution up to the first of May proxims – the success which in port has crowned the labors of the government, as well as the partial failure which in some respects has accompanied its efforts.

In forwarding this statement, I will take occasion to express my opinion of the value of what had already been accomplished, and briefly indicate what I esteem to be the future policy of the Indian Bureau in the premises.

In the first place, for the outlay made, a reasonable and indeed very flattering equivalent has been returned. Nearly two thousand Indians have been removed, at a cost of abut $35,000 – a cheaper removal, under the circumstances, than has ever before been made by the United States. Included in this expenditure is the expense of opening a fine, productive farm in the Chippewa country, which of course is an investment of permanent value.

In the second place, I am fully of opinion that the resumption of another year of active operations by government will be unprofitable and unnecessary. Such Indians as have not removed, have to a considerable extent been influenced by the inclinations of the white

population who are their neighbors, by the cupidity of their traders, and by the arts of malicious and interested persons. These influences may always be expected to prevail, where the government is open and active in the prosecution of its purposes.

Again, in the instance of these Indians, no pressing necessity exists for their immediate removal, so far as the interests, rights, prejudices even of our citizens are concerned, who inhabit the lands which they have ceded, but continue to occupy. The influence of the American community resident upon the mineral lands of Lake Superior has at 11 times been adverse to the removal.

The Chippewas, who have emigrated, will constitute a certain attraction for the residue of the tribe; and in a thousand ways, by the silent operation of causes too numerous to mention, the Indians, who now are obstinately opposed to leaving the ceded lands, will by degrees voluntarily remove themselves.

I refer the Department to a letter from this office of Nov. 17, and again urge the expediency of permitting a small delegation of Chippewa chiefs to visit Washington, accompanied by their agent and interpreter. I consider it important that this permission be given, but think it desirable that the Department should restrict the number, say to *four* chiefs.

In this connection, it is proper to report that a delegation of chiefs from La Pointe have recently concluded a visit to me of about a week's duration. The main purpose of their visit was to urge this pint. The principal object contemplated in visiting Washington, I apprehend, is to secure a revocation in their instance of the order to

remove from here, and also the rule that annuity payments shall be made to such Indians only as reside within the limits of their own country. There are reasons, to which in this place I will not advert, why it might be proper and just to permit this deviation from the rule of payment in the case of the La Pointe band. But it should be done through the connivance of the agent, and not by express promise of government.

The rule should nominally continue in full force, while the agent must have discretionary power to disregard it in this special circumstance.

Under all circumstances, even with this departure, payments should be made only in the Chippewa country. Considerations of convenience, apart from other powerful motives, will then in a short time, induce the Indians to settle in closer proximity to the place of receiving payments.

Wheeler To Father (October 27, 1853)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0099

Oct. 27, 1853

Dear Father,

I will just add a few lines before the boat leaves to say that we are all well, & are expecting to leave for Bad River tomorrow where we shall spend the winter. Our Indians are made very happy in receiving their annuities, paid once more at La Pointe. It is now almost certain that no further attempts will be made to remove these Indians. There is but little doubt that the old order of things will be restored. That the farmers, carpenters, blacksmiths will be given back to them, & missionaries be encouraged to go on with their labors as formerly. The late efforts to remove the Indians has not only proved a failure, but are now clearly seen by the Department at Washington to have originated with a few designing men who wanted the Indians removed that they might get their money. An astonishing amount of fraud has been discovered, and the late John S. Watrous former Agent is now under arrest by the U. S. govt to answer for some of his villanous conduct. The ~~land~~ Lord reigns. We hope for brighter days ahead. Pray for us, Our Indians were never in a more hopeful condition to be operated upon religiously, and we need much wisdom and grace to discharge the duties that will devolve upon us. Goodbye for the present with much love to all the friends.

Gilbert To Manypenny (December 14, 1853)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0075

Office Michigan Ind. Agency
Detroit Dec. 14, 1853

Sir:

I enclose a Report relative to the Chippewas of Lake Superior which I respectfully submit for your consideration. During my recent visit among them I became much interested in these Indians & should be much pleased if existing laws could be so amended as to attach them to this Agency.

The map referred to in the Report I also send by mail. It may be of service to you in determining the locality of their future payments.

Very Respectfully
Your Obt. Servt.
Henry C. Gilbert
Ind. Agent

Hon. Geo. W. Manypenny
Comm. Ind. Aff.
Washington

[END COVER LETTER]

Office Mich. Ind. Agency
Detroit Dec. 10, 1853

Sir:

In compliance with the instructions received from you in September last I have visited the Chippewas of Lake Superior & have paid to the bands indicated by you their proportion of Annuities for 1853 under the provisions of the treaties of 1837 & 1842. A special return of my receipts, disbursements, & expenditures is herewith transmitted. The lateness of the season and the fact that the payment was entirely unexpected to the Indians, thereby rendering inevitable much delay & difficulty in notifying & assembling them have increased the incidental expenses beyond what will probably be required for any future payment.

The place selected for the payment was La Pointe. It is easy of access. Its location with reference to the Indians to be assembled is central & it is not caused by the gangs of whiskey selling traders that infest almost every other almost every other place on the Lake. It is the ancient headquarters or place of general rendezvous for all the Lake Superior Indians the residence of their head chiefs & the place where they greatly prefer to assemble.

So far as I am able to judge the manner in which the business entrusted to me was conducted was entirely satisfactory to the Indians & all those residing among them who feel an interest in their welfare. On two points the Indians agreeably disappointed me by their good conduct & the earnest desire they evinced to secure by it the good will & favor of the Government. This feeling on their part was especially manifested in the [END FIRST

PAGE] [one line illegible] of ardent spirits on the island during the payment. There was no whiskey among them. At the time of my arrival & I gave notice that if any was landed during my stay it would be seized & destroyed. Several parcels were afterwards privately introduced, of which I was informed by the Indians & in every case I took the responsibility of seizing & publically destroying it. Relieved from this curse the business on the part of the Indians was conducted with sobriety and decorum and they themselves were powerfully impressed with the conviction that the favor of the Government & the good will of the white people could only be secured by abstinence on their part from intoxicating drinks.

The payment of their annuities at this time & in the place selected was very opportune. I found many of them reduced to the very extremes of want & poverty and without the aid furnished them many must have perished during the coming winter from cold & hunger. Many Indians from the interior were present from Bands not entitled to payment. Their attendance & their utter destitution was the source of much embarrassment. My action in regard to them I will state fully in another communication.

During my stay at La Pointe we held [one word illegible] councils or talks & I listened to statements from the Indians of their complaints & grievances which I promised at their request to transmit to Washington. First & chief of all is the order heretofore made for their removal. This is the great terror of their lives and I hazard nothing in saying that they would sooner submit to extermination than comply with it. [END SECOND

PAGE] They look with fear & distrust upon every Government officer that goes among them & indeed so sensitive are they upon this point that many of them came this year to the payment with great reluctance & anxious forebodings lest the notice of payment should prove a ruse to get them together in order the more easily to effect their removal. I am assured by the missionaries & others residing among them that when the order was made the Indians were in a more prosperous condition than they had ever been. Its effect was to scatter them & render them distrustful of the whites and it has since proved the main obstacle in the way of all missionary efforts. The Indians informed me that when the treaty was made the Commissioner assured them that the clause providing for their removal was only inserted as a mere matter of form. That a compliance with it would never be urged or insisted on by the Government & that their annuities would always be paid regularly at La Pointe. The Interpreter Mr. Johnson who officiated on that occasion was present with me & corroborated their statement. I saw several other persons who were present at that time & they all concur in saying that without this assurance the Indians would never have signed the Treaty. The memory of an Indian is very tenacious. He treasures up every thing that is said by a Government officer & regards his statements & verbal assurances as equally binding upon the Government as the formal stipulations of a Treaty.

I had much difficulty in explaining the distinction but succeeded in making them comprehend it & in satisfying them I think before I left they were sat-[END THIRD PAGE] isfied that the Government intended them

no injustice but when fully informed would always do what was most for their welfare in view of their situation.

I deem it important not only that the policy of removal should be abandoned but that such a determination on the part of the United States should be communicated to them in an official form. They can then acquire lands & make settlements & improvements unmolested by the fear of being driven from their homes which has paralyzed their energies & thwarted the labors & efforts of missionaries & teachers for several years.

The Indians also urge that land should be given them near their present homes in lieu of land to which they would be entitled west of the Mississippi if they should remove thither. The country about Lake Superior is well adapted to their wants. In many places the soil is fertile & yields abundantly potatoes, garden vegetables, oats, hay & all such crops as the Indians can most easily learn to cultivate. If their request should be acceded to by the United States, they further request that the land should not be allotted to them in "Reservations" for the common use & benefit of the tribe but that certain localities should be designated & reserved from sale within which every Indian or head of a family should be permitted to enter & own individually such a number of acres as may be thought necessary. The power of alienation they are willing should be withheld from them. In their present circumstances it is almost absurd to urge them to cultivate the soil. They are unable to buy the land & if they make a location & commence an improvement some non-resident roaming [END FOURTH PAGE] speculator will enter the [one word illegible] at the Land Office & the Indian is turned adrift to perform the same labor once again with

very likely the same result. Several flagrant outrages of this kind were related to me.

In this connection it is proper that I should advert to the perfectly good understanding & harmony existing between the white residents of the country & the Indians. There is between them in regard to the prominent questions effecting the welfare of the Indians a perfect unity of sentiment. Many of them have intermarried. The Half-breeds are entitled to participate in the benefits of the treaty & from the feelings manifested it seems hardly possible that any collision, or even inconvenience can result from permitting the Indians to become permanently domiciled in the country.

Another request made by them is that the Annuity payments may hereafter be regularly made at La Pointe. As the change from La Pointe was only an incident of the order for removal & intended as I supposed to render that order more easy of execution I assured them of my belief that their future payments would be made at points easy of access to them all. During my stay at La Pointe I took much pains to ascertain the present location of all the Bands, parties to the treaties of 1837 & 1842 and have caused a map to be made of their country showing their location which I have transmitted for your information. I think its correctness may generally be relied on. All the Bands living east of the Boundary line between Wisconsin & Minnesota (extended north & south) should be paid at La Pointe or someplace on Lake Superior. The others entitled to payment under the Treaty can more easily [END FIFTH PAGE] be assembled at some other point west.

Many complaints were made by the Indians of the manner in which some of their more recent payments had been conducted & of the frauds & impositions practiced upon them as they allege by former disbursing officers. These complaints however although doubtless not without foundation I do not deem it necessary to repeat.

Several specific requests were also made by them in regard to the kind of goods to be furnished them at their next annuity payment. They are generally reasonable & should be attended to in providing for the supplies for that occasion. I will state them more particularly at some other time.

They expressed themselves very unwilling to agree to the proposition to substitute goods instead of cash for the amount stipulated to be paid in money by the Treaty. I do not think they can be induced to consent to it.

They are very desirous that the mechanics & farmers, to which they are entitled under the Treaty should be restored to them at suitable locations on the Lake. They are especially in want of the services of Blacksmiths. They should be located at Fond du Lac, La Pointe & La Ance.

I deem the present a favorable time for negotiating a treaty with the Chippeways of Lake Superior & the Mississippi for the sale of the unceded territory on the north shore of Lake Superior. They consider it valuable, as it really is, but have no desire to retain it provided they can be furnished with homes in the manner I have stated. They will insist upon that & upon some other points but I think upon none that may not reasonably be granted. [END SIXTH PAGE]

There are several missionary stations along the Lake. Of late years for the reasons I have stated their operations have been embarrassed & the cause of Religion & Education among the Indians has languished. Many of the Missionaries have been with them for years & have worn out their lives in the service. They had become discouraged & at the time of my visit it was a serious question with some of them whether their stations had better be continued. They will now however work with renewed zest in the hope that the obstacles in their way will speedily be removed.

Very Respectfully
Your Obt. Servt.
Henry C. Gilbert
Ind. Agent

Hon. Geo. W. Manypenny
Comm. of Ind. Affs.
Washington

[END SEVENTH PAGE]

Wisconsin Memorial To The President And Congress Of The United States (February 27, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0130

GENERAL ACTS
PASSED BY THE
LEGISLATURE OF WISCONSIN,
IN THE YEAR
EIGHTEEN HUNDRED AND FIFTY-FOUR,
TOGETHER WITH
MEMORIALS AND RESOLUTIONS
PUBLISHED BY AUTHORITY

[LOGO]

MADISON:
PRINTED BY DAVID ATWOOD
1854

No. 10.

MEMORIAL, *to the President and Congress of the United States, respecting certain lands not ceded by the Chippewa Indians to the General Government.*

To His Excellency the President, and to the Senate and House of Representatives in Congress assembled,

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That there is a tract of land about three fourths of a mile in width, from the St. Croix River to the St. Louis

River, lying along the boundary line between the state of Wisconsin and territory of Minnesota, within said state of Wisconsin – the Indian's title to which has never been extinguished.

That the Chippewa Indians refuse to allow the government surveyors to complete their surveys; and also refuse to permit this state to exercise jurisdiction over said tract of land, greatly to the annoyance and injury of the citizens of this state.

Your memorialists therefore humbly pray His Excellency, the President of the United States will cause such title to be extinguished, with all due diligence, to the end that no difficulties may arise between the state authorities and the Indians, or between the officers of this state, and those of the United States.

And your memorialists will ever pray, &c.

Approved, February 27, 1854.

Cong. Globe, 33rd Cong., 1st Sess. 1032-33 (May 1, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0126

THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-THIRD CONGRESS.

VOLUME XXVIII. – PART II.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1854.

CHIPPEWA INDIANS.

The next bill coming up in order, was the bill to provide for the extinguishment of the title of the Chippewa Indians to the lands owned and claimed by them in the Territory of Minnesota and State of Wisconsin, and for their domestication and civilization.

The bill was then read entire.

Mr. ORR. I suppose it is proper that I should move an amendment. I desire to make a few remarks in explanation of the bill, and for the purpose of giving me an opportunity, I move *pro forma* to strike out the first paragraph of the bill.

Mr. Chairman, the Committee on Indian Affairs have reported this bill, and recommended unanimously its passage. It proposes to introduce a new feature in our Indian relations. It is not, however, without precedent that the legislative department of the Government should indicate to the Executive the manner and terms upon which treaties with the Indian tribes should be negotiated. We have several precedents for it.

The propositions contained in this bill have been suggested by many persons who reside within the limits of the Territory of Minnesota; and will, I am informed, if the bill passes, meet the sanction of the white settlers in the immediate vicinity of the Indians. It proposes that the President shall enter into negotiations with the Chippewa Indians for the purpose of extinguishing their title to the lands which they own in the Territory of Minnesota and to a small portion in the State of Wisconsin.

It further proposes, that when their title shall have been extinguished, to make a grant of eighty acres of land to each Indian who is the head of a family as a homestead. The object is to interest the Indians in the actual cultivation of the soil. We are informed that those who reside in the vicinity of Lake Superior have been found to be valuable laborers. Their labor has been already turned into very useful channels, in digging copper ore, and in discharging the duty of menials. The committee desire

that they shall be allowed to remain on their own lands, and cultivate the same; and we are informed that such is the desire of the people of Minnesota.

The bill directs the President to allow each head of a family the reservation of eighty acres; and for the purpose of guarding against any fraud which may be attempted to be practised, now or hereafter, on the Indians by the whites, the bill makes this reserved land inalienable in the hands of the Indians until Congress shall otherwise direct.

It also contains a further stipulation, that the annuities which are proposed to be paid these Indians, for their title to the remainder of their lands, shall be paid either in money; or, if, in the discretion of the President, it will be more conducive to their interest, in goods, provisions, or means of subsistence.

The President is also authorized to expend a portion of the money which may be due these Indians, to have their lands cleared, fenced, and cabins erected for their comfort and conveence.

These are the general provisions of the bill. My own impression is, that if the system which is contemplated be carried out, it will be found to work well. I think that we have had experience enough that the policy which we have heretofore pursued of extinguishing the title to the Indian lands, removing them further West, and paying them large money annuities, has been demonstrated by experiment to be an utter failure. I believe that it has been the most fruitful of all other causes of the retrograde movements of these people in the scale of civilization.

They have made no progress on that account. You furnish them with money, and that money is expended in a week or two, or, at most, a month after they have received it. Then, for the balance of the year, they live scantily, frequently suffering want and starvation. Now, if the President exercises a sound discretion when these treaties shall have been executed, if he appoints a judicious agent, one who will look to the interests of the Indians, we shall see the whole of the expenditures made for them really inuring to their benefit. We shall see that it will not find its way into the hands of traders and speculators.

The territory in which it is proposed to extinguish this Indian title is a very extensive and valuable one. It embraces a very large proportion of the copper region situated in the Territory of Minnesota. It now belongs to the Indians. The opening of the canal around the falls of the Sault St. Mary is bringing all that section of country into notice. It is giving it all the facilities of market; and hundreds and thousands of persons, in a short time, will be operating in the mines there. Therefore, it is desirable that the treaty shall be executed at the earliest day, and executed so that the Indians may be allowed to remain, and their labor converted to useful purposes by the whites. It is desirable that it shall be made in such a way that whatever payments be made to the Indians shall enure to their benefit, and not that of speculators.

I have thus explained very briefly and concisely the provisions of the bill, and I trust that it may be adopted by the committee.

Mr. HENN. I wish to ask the gentleman from South Carolina, what is the area of the country which it is proposed to purchase in this way?

Mr. ORR. Well, sir, I am not prepared to answer that question specifically. It is, perhaps, fifty miles square, though I do not know but that it is more than that. The Delegate from the Territory of Minnesota [Mr. Rice] is better informed upon that point than I am.

Mr. RICE. It embraces about twenty-five millions of acres.

The Clerk then proceeded to read the bill through by paragraphs for amendment. When the second clause of the first section was read as follows:

Second. The annuities to which said Indian are entitled under existing treaties, together with such as may be allowed them for the cession or cessions under the provisions of this act, shall be equally distributed and paid them at their villages, or settlements within the limits of the ceded territory: but the President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare.

Mr. HOUSTON said: I should like to know of the gentleman from South Carolina, if that section is intended to be a section of law to control the President, or a mere suggestion to him in making a treaty? It proposes that the President shall dispose of the annuities now due to the

Indians by treaty stipulation, in a particular way. Now, I understand that all the annuities due to the Indians are due under treaty stipulations, and are to be paid according to the terms of the treaties. We cannot pass a law, I apprehend, by which we will change the manner of paying those annuities; and if that is the proposition contained in this bill, I think it is objectionable.

Mr. ORR. The bill is merely advisory to the President of the United States. As a matter of course, we could not, if we were to attempt it, control the President and Senate as to how they should negotiate and ratify treaties. It is merely advisory, but it is necessary that you should put it in the shape of law, so that the stipulations which the President may propose to make with the Indians shall be valid and binding on this Government, and the Indian not deceived by promises which Congress may fail to redeem.

Now, with reference to the annuities. If the gentleman objects to paying the annuities now due to the Indians in a different manner from that contemplated by existing treaties, he can amend this section of the bill by adding a proviso making it applicable to no annuities except those which these Chippewa Indians may receive by virtue of the treaty which we expect now to make with them.

Mr. HOUSTON. I have not a copy of the bill before me, and I cannot, therefore, propose an amendment at this moment. I am perfectly willing that the President of the United States shall, with the consent of the Indians, change the existing treaties, and improve the mode of payment to the Indians. I believe that the present mode is

a bad one; I believe that it results badly for the Government, and injuriously to the Indian tribes. I believe that large amounts of the money paid out, and which are supposed to be applied for the benefit of the Indians, go into the pockets of other people for their personal advantage, and to the prejudice of the interest of the Indians. If therefore the gentleman from South Carolina, [Mr. ORR,] and the Committee on Indian Affairs, shall propose any improvement in the mode of paying annuities to the Indians, all I desire is that they shall accomplish that purpose by proper approaches, and by that kind of treaty stipulation which shall bind the Indians. If I understand the remarks of the gentleman from South Carolina correctly, that the treaty will bind the Government without any law, because it is the supreme law of the land when it is adopted and ratified, then I certainly differ with him.

Mr. ORR. I will suggest an amendment to come in the twenty-first line, which will meet the views of the gentleman from Alabama, [Mr. HOUSTON,] and which is to insert the words, "with the consent of said Indians." If the amendment be adopted, then the payment of annuities cannot be changed without the consent of the Indians themselves.

Mr. LETCHER. The amendment proposed by the gentleman from South Carolina does not meet my objection to this section. The gentleman says, that the object of this bill is to prevent the Indians from being imposed upon and swindled, and that, under present management, their money is distributed to those who have imposed upon them, and who have rendered little or no equivalent for the claims they hold against them. I think the latter part of this section, when carefully examined, opens the door

just as widely to fraud upon the Indians as under the present system. What is it?

"The President shall be invested with power to cause said annuities to be commuted from time to time for such articles of goods, provisions, stock, cattle, implements of agriculture, the clearing and fencing of land, and the erection of buildings and other improvements, as in his discretion will conduce most to promote their comfort, civilization, and permanent welfare."

If the President of the United States could superintend this commutation in person, I imagine that no imposition would be practiced upon the Indians. But if it is to be intrusted, as it is now intrusted, to Indian agents of the Government, many of whom, if report does them no injustice, are interested in securing their money, there is exactly the same chance for imposition on their part towards the Indians, as there is under the present arrangement.

Mr. ORR. If my friend will allow me, I do not think that the difficulty would be so great as he apprehends. In the first place, I do not know that we have occasion to complain of our agents having acted dishonestly in paying these Indians. The reason why these payments have not proved serviceable to the Indians is, that as soon as the money reached their hands, and until within the last three years, before it reached their hands, it was seized upon by the traders located within the limits of their country; and if it was not for prior contracted debts, it was for goods furnished at exorbitant prices, and for spiritous liquors furnished to the Indians. If, therefore, the amendment I have suggested be adopted, I cannot see

how it will work any injury; for the Indians, in one contingency, will be greatly benefited, because the President will be invested with power to cause said annuities to be commuted for such articles of goods, provisions, stock, cattle, implements of agriculture, as their necessities may require. When these payments are made, why, as a matter of course, the Indians will get the benefit of them. I think myself, that it will be much better to make these payments in goods and implements of agriculture, than in money annuities.

Mr. HAVEN. I desire only to make a suggestion. I have had a little experience in reference to paying Indians their annuities in goods. I am in favor of the general objects of this bill. I think that the first provision of this bill is a very proper one, and that it is calculated to bring the influences of civilization over the Indians more than anything that has been done by the Government of the United States since I have known anything of their history or of their intercourse with the Indians. But, Mr. Chairman, this second provision does not meet with my approbation. I have no objection to the first part of the provision, with the amendments suggested by the gentleman from South Carolina, [Mr. ORR,] down to the word "but," in the twenty-fourth line. But I would strike out the rest of the section, because all that I have seen, impels me to the opinion and the belief that it would open the door to fraud and bad dealing on the part of the agents. For the agents themselves would become interested in the implements and provisions to be furnished to the Indians, and would either make bargains beforehand, or compel them to take such articles as they wished. With the exception of this provision, I consider the bill very valuable,

and I therefore now move to strike out the latter part of the second provision, which I have designated.

Mr. LETCHER. I hope the motion of the gentleman from New York [Mr. Haven] will be adopted; and in reply to my friend from South Carolina, [Mr. Orr,] I take occasion to say that I have heard of some of these agents who do take advantage of the Indians under the present system. They are all more or less interested in all of these grog shops, and other establishments introduced into the Indian country; and they carry away some share of the plunder where there is so much to be distributed. It seems to me that the very moment you pass this law, *including* the provision proposed to be stricken out, these agents will become interested in the agricultural implements, goods, merchandise, and everything of that sort to be furnished to the Indians; and they will thus reap the same sort of profit which they are reaping now from the distribution of Indian annuities. I hope, therefore, Mr. Chairman, that the suggestion of my friend from New York will be adopted, and that the latter half of this second section will be stricken out.

Mr. HOUSTON. I am not quite certain myself, Mr. Chairman, but that the latter branch of the second section ought to be retained, with some modifications. I believe that it is the better plan of the two, that the Government, instead of making cash payments, should furnish to the Indians such goods and implements as they require to improve their condition. I am well convinced, from the observations that have been made on this floor on occasions like this, that the present mode of paying Indians for our indebtedness to them is not good, and does ordinarily result very little to their advancement and for their

benefit. Now, Mr. Chairman, I would rather, as a general rule, agree in our treaties to pay the Indians so much of the articles that are necessary to their comfort and subsistence, either in goods, or food, or implements of husbandry, than pay them in cash. I would carry out the idea of my friend from South Carolina, [Mr. Orr,] so as to let the annuity to be paid them, whether of $100,000 or $50,000, or any other sum, as stipulated in the treaty, be paid in such articles as the Indians may need.

Now, Mr. Chairman, I object to giving the President, or to the Indian agents, or superintendent, such power as is proposed to be given by this proposition. But, if the gentleman from South Carolina will so modify the second branch of that provision, that the whole thing shall be changed by treaty with the Indians, so that the annuities shall be paid in goods, such as the Indians may need, why then I should have no objection; because the goods then might be purchased by the Government in large quantities, and under the direct eye of the Government or some of its officers. I believe that the appropriate control of this subject is now vested in the Interior Department. If this be true, when you propose to purchase these large quantities of goods and implements, to discharge the obligations growing out of our treaties with the Indian tribes, the Secretary of that Department will exercise such a supervision over the matter as will guard against these frauds. When the money is once invested in the goods, then there is no other opportunity of committing fraud. The frauds which are committed now take place at the time of the payment of the money. The traders and the grog-shop keepers are upon the ground, watching the Indians. As soon as the Indians get a handful of money

under the treaty stipulations, these traders and shop keepers seize upon it; and before the poor native can relieve himself of them, he is relieved of his money.

If the Government invest the money, which it is obligated to pay, in goods which the Indians really need, and must have, then you dispense with the necessity of having a great number of traders in the Indian country, and, at the same time, put it out of the power of the traders to commit frauds upon the Indians.

The only fraud indicated by the gentleman from South Carolina, [Mr. ORR,] is perpetrated in the purchase of goods. Whenever you guard that point we are safe, and the Indians will get what they ought to have. And, certainly, in the purchase of a large stock of goods in this way, under the supervision of the Indian Bureau, and of the Secretary of the Interior, it could be done safely. It would free us from those difficulties which have heretofore surrounded our Indian policy; it would enable us to get along more easily, more to our satisfaction, and certainly with more profit to the Indians themselves, than under the present system.

Mr. LETCHER. What will you do with those improvements mentioned in the bill?

Mr. HOUSTON. That part of the bill, in my opinion, ought to be modified. I would strike out the provision for the clearing and fencing of lands, the erection of buildings, and other improvements, and pay the Indians their annuities in goods, such as they need, and let them make their own improvement upon the land, by their own labor.

Mr. DUNHAM. I concur fully in the views just expressed by the gentleman from Alabama. I regard this provision of the bill which is proposed to be stricken out as one of the most important provisions of it. Some little attention to this subject has convinced me that more frauds are perpetrated upon the Indians, under the system of paying to them their annuities in cash, when gathered together at a specified place and time,

* * *

Gilbert To Manypenny (May 27, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0121

Chippewa

H. C. Gilbert
Aug 8, 1854
Detroit, Mich.

==========

Enc. contract of O Newberry
for provisions etc for Chippewas
of Lake Superior and Miss. Also
advertisement and abstract of
bids.

==========

(Record Contract)

at once if you
please

Rec'd 12 Aug 1854

Washington May 27, 1854

Sir,

At the annuity payment for 1853 to the Chippewas of Lake Superior made at LaPointe in October last, the Indians made application for a change to a small extent in the kind of articles furnished them by the Government under the treaties of 1837 and 1842. They ask for guns, camp kettles, traps, cooking stoves, and cooking utensils. They now receive an abundance of dry goods and of some kind more than they really need. The articles named are so obviously necessary for them that I hope the guns and camp kettles may be substituted in lieu of a portion

of the dry goods intended to be sent for the next payment. I should think 60 guns and 300 camp kettles would answer for this year.

The cook stoves I should also be very glad to furnish them. The request for such things is certainly a good indication of progress towards civilization. I think a portion of the money recently paid by me to the Depository at Detroit might appropriately be paid to purchase them to. I respectfully ask your attention to the matter that they require may if possible be complied with.

Very Respectfully
Your Obedient Servant,

Henry C. Gilbert
Agent for Michigan

Hon. Geo. W. Manypenny
Com. Indian Affairs
Washington

Manypenny To Gilbert (August 11, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0131

Department of the Interior
Office Indian Affairs
August 11, 1854

Gilbert, Henry C.
Indian Agent
Detroit, Michigan

Sir:

The Bill to provide for the extinguishment of the title of the Chippewas to the lands owned and claimed by them in Wisconsin and Minnesota which passed the House early in session failed in the Senate.

In view however of the importance of extinguishing the Indian title to portions of the Chippewa country, it is deemed proper to confide to you certain conditional instructions, to the end that if in your judgment it be practicable to conclude a treaty at the period when you assemble the Indians to pay them their annuities this fall, that object may be accomplished.

You will therefore consider yourself in conjunction with Major Herriman as the Officiers of the Indian Department designated to make a treaty with the Chippewa Indians of Lake Superior and the Mississippi.

When you arrive at Lapoint, if you are satisfied that you can send a runner over to the Mississippi & have Major Herriman come over immediately with the principal Chief and threr or four of the Headmen of each of the

bands who receive pay at the Agency and who reside on or near the Mississippi, or between that stream & the Lake, you will do so. The design is that the principal Chief and Head Men to the number stated of all the bands, other than those to be paid by you, be present on the occasion: The latter will of course be represented.

I am informed that that the Mississippi Indians can be brought over in the way I suggest, as soon as you can assemble yours. If you are satisfied of this fact, you are authorized to send over the runner; but it is not my wish that any attempt be made, and a failure follow. If delegates from all the bands can be assembled and negotiations had with them, you are authorized to offer the Chippewas Chippewas the sum of $500,000 for all the country they now own or claim in the territory of Minnesota, the State of Wisconsin or elsewhere, excepting and reserving for the future home of said Indians a quantity of land equal to 743.000 acres which may be selected in one body or in two or three locations, as the Indians may desire, and if the reservations be selected in more than one locality, the quantity of land fixed upon, as the maximum amount of the reserve must be divided between the different locations of the Indians according to the population of the bands who may elect to inhabit such reservation or reservations. If the Indians could all be placed on one reserve, so that an Agent could always have a perfect oversight over them it would be much better for their future interests; but if this cannot be affected, the several sub-reserves should be located in such proximity to each other as to enable the Agent to exercise a watchful care over the Indians.

The future home or reserves should not be in the avenues by which the white population will approach the ceded country, or embrace any of the mineral lands which are now becoming desirable.

I send herewith a copy of the instructions of the Secretary of War of the date of 4th of June 1847, when a former Commission attempted to treat with these Indians, but failed. According to the estimate of this office, the Chippewas own about 10.743.000 acres of land, the greater part of which is of no value to them, and never will be. Some portions of it will be valuless to the white population.

Nevertheless, the condition of Affairs with the Chippewas is such that it is the duty of the Government to offer them an opportunity to dispose of their tenure to their country, and in lieu thereof to give them a small tract as a permanent home, with such means of support & mental & moral improvement as may be of great advantage to them.

I transmit herewith a copy of the bill alluded to and also a copy of a recent treaty with the Ottoe & Missouri Indians, remarking that if a provision is inserted for allowing individual reservations within the general reservations that Eighty Acres to the family, as provided in the bill is deemed ample. These documents may be useful as affording you indications of the views of the Department and of such provisions as it may be desirable to have incorporated in a treaty.

In view of the fact that it is necessary to enter upon upon this business without permitting those adverse

influences, which are always at work, to thwart the purposes, and objects of the Government in its efforts to treat with the Indians, you will not divulge the nature of your instructions, or indeed say any thing about them to any person.

When you get to La Point, if you conclude to send for Maj. Herriman, and the principal men of his bands, you can do so, leaving the impression on those who may be privy to it, that their presence is necessary, in order that a better understanding may exist as to a proper disposition of the present annuities between the Lake bands and those on the Mississippi.

Mr. Austrian who resides at La Point, and who was here last winter, tendered his services to the office, in collecting Indians & c. at any time, and he is recommended to me as a faithful man. He would perhaps be a faithful man to whom to confide the message to Major Herriman.

I have caused a remittance to be made to you, by requisition of this date for the sum of $1900.00 as follows:

Provisions for Indians ----------	$1500
Presents for Do ----------	300
Contingencies - ----------	100
	$1900

which will be applicable to this object; but to be used only in case negotiations are bad with the Chippewas, except so far as the provisions & expenses of a runner may be necessary. As far as these amounts are expended, to be accounted for under the proper heads of account.

Very Respecty Your Obt. Servant –
Geo. W. Manypenny
Commissioner

N. B. We learn that a boat leaves the Sault of St. Marie on the 21st for Lapoint: If so you should avail yourself of the opportunity to go forward. The enclosed communication to Maj. Herriman, you will forward to him by the runner, if you determine to send one, and be satisfied that the expedition will be successful before you send, it states the whole matter to Major H. From the instructions to the Commissioners of June 4th 1847, and the Ottoe & Missouri treaty you will form an idea of the necessary stipulations for the payment of the purchase money, the amount of it that should be invested &c. and the necessary provisions for stock. Agricultural Implements &c &c in place of money. A Map showing the Country of the Chippewas is also herewith.

Geo. W. Manypenny
Commissioner

Manypenny To Gilbert (August 12, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0133

Department of the Interior
Office Indian Affairs
August 12th 1854

Gilbert, H. C.
Indian Agent
Detroit, Michigan

Sir:

Referring to my letter of instructions to you of the 11th instant, I have to remark, that should you succeed in having the proposed negotiations with the Chippewas, and a treaty be made, you will provide to pay the $500.000 as follows:

One hundred thousand dollars to be invested at five percent interest, which interest shall be expended annually under the Presidents direction for purposes of education, and the moral improvement of the Indians. The residue to be paid say in twenty annual installments of twenty thousand dollars each without interest, or those deferred payments may be extended over twenty five or thirty years, all of them however to be subject to the Presidents discretion, as in Article 4 of the Ottoe & Missouri treaty.

If necessary to accomplish the object, although $500,000 is deemed the value of the Chippewa tenure to the land, you may go as high as $600.000 payments as above.

Should a treaty be made, it is submitted whether the new locations reserved to the Indians, may not be of such a character as to render some of the Smiths, farmers & c. stipulated for under former treaties of no use, and if so, that provision be inserted, cancelling such of these provisions under former treaties as can be dispensed with, and providing that a sum eaqual to the amount now paid annually for such, may be appropriated for the unexpired term of former treaty stipulations to be expanded by the President, for the use of the Indians, as other funds are provided to be expended.

Very Respectfully
Your Obt. Servant –
Geo. W. Manypenny
Commissioner

National Archives
Office of Indian Affairs
Letter Sent. Vol. 49

Gilbert To Manypenny (October 10, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0127

OFFICE MICHIGAN INDIAN AGENCY,
Detroit, October 17, 1854.

SIR: I transmit herewith a treaty, concluded at La Pointe on the 30th ultimo, between Mr. Herriman and myself, as commissioners on the part of the United States, and the Chippewas of Lake Superior and the Mississippi.

On receiving your letters of August 10th, 12th, and 14th, relative to this treaty, I immediately dispatched a special messenger from this place, by way of Chicago, Galena, and St. Paul, to Mr. Herriman at the Crow Wing Chippewa agency, transmitting to him your letter, and requesting him to meet me at La Pointe with the chiefs and headmen of his agency at as early a day as possible. I adopted this course in preference to sending a messenger from La Pointe on my arrival there, for the purpose of saving time, and I was thus enabled to secure the attendance of Mr. Herriman and the Mississippi chiefs, some ten or twelve days earlier than I could otherwise have done. I left for La Pointe on the 26th of August last, and arrived there the 1st day of September. Mr. Herriman meeting me there the 17th of the same month.

By this time a large number of Indians had assembled, including not only those entitled to payment, but all those from the interior who live about Lakes de Flambeau and Lake Courteilles. The chiefs who were notified to attend brought with them in every instance their entire

bands. We made a careful estimate of the number present, and found that there were about 4,000. They all had to be fed and taken care of, thus adding greatly to the expenses attending the negotiations.

A great number of traders and claim agents were also present, as well as some persons from St. Paul's, who, I had reason to believe, attended for the purpose of preventing, if possible, the consummation of the treaty. The utmost precautions were taken by me to prevent a knowledge of the fact that negotiations were to take place from becoming public. The messenger sent by me to Mr. Herriman was not only trustworthy, but was himself totally ignorant of the purport of the dispatchers to Major Herriman. Information, however, of the fact was communicated from some source, and the persons present in consequence greatly embarrassed our proceedings.

After Major Herriman's arrival was soon found that the Mississippi Indians could not be induced to sell their land on any terms. Much jealousy and ill feeling existed between them and the Lake Superior Indians, and they would not even be prevailed upon to meet each other in council. They were all, however, anxious that a division should be made of the payments to become due under former existing treaties, and a specific apportionment made between the Mississippi and the Lake Superior Indians, and places of payment designated.

Taking advantage of this feeling we proposed to them a division of the country between them and the establishment of a boundary line, on one side of which the country should belong exclusively to the Lake Superior and on the other side to the Mississippi Indians. We

had but little difficulty in inducing them to agree to this proposition and after much negotiations the line designated in the treaty was agreed upon.

We then obtained from the Lake Indians a cession of their portion of the country on the terms stated in the treaty. The district ceded embraces all the mineral region bordering on Lake Superior and Pigeon river, and is supposed to be by far the most valuable portion of their country. But a small portion of the amount agreed to be paid in annuities is payable in coin. The manner of payment is such as, in our judgment, would most tend to promote the permanent welfare and hasten the civilization of the Indians.

We found that the points most strenuously insisted upon by them were, first, the privilege of remaining in the country where they reside, and, next, the appropriation of land for their future homes. Without yielding these points it was idle to for us to talk about a treaty. We therefore agreed to the selection of lands for them in territory heretofore ceded.

The tract for the Ance and Vieux Desert bands is at the head of Ke-wa-we-naw bay. If Michigan, and is at present occupied by them. I estimate the quantity at about 60,000 acres.

These reservations are located in Wisconsin, the principal of which is for the La Pointe band on Bad river. A large number of Indians now reside there, and I presume it will ultimately become the home of most of the Chippewas residing in that State. It is a tract of land well adapted for agricultural purposes, and includes the present missionary station under the care of the American

Board of Commissioners for Foreign Missions. About one-third of the land, however, lying on the lake shore is swamp and valueless, except as it gives them access to the lake for fishing purposes.

The other Wisconsin reservations lie on Lac de Flambeau and Lac Courteirelle, in the interior, and the whole amount of land reserved in that State I estimate at about 200,000 acres, exclusive of the swamp land included in the La Pointe reservations. In the ceded country there are two tracts set apart for the Indians, one on St. Louis river, of 100,000 acres for the Fond du Lac bands, and one embracing the point bounded by the lake and Pigeon river, and containing about 120,000 acres.

There are two or three, other small reservations to be hereafter selected under the direction of the President. The whole quantity of land embraced within all the tracts set apart we estimate at about 480,000 acres. No portion of the reserved lands are occupied by whites except the missionary establishment on Bad river.

The provision giving to each half-breed 80 acres of land was most strenuously insisted upon by the Indians. There are about 200 such families on my pay roll, and allowing as many more to the interior Indians, which is a very liberal estimate, the amount of land required will be about 32,000 acres.

A principal source of embarrassment was the provision setting aside a portion of the consideration to be paid as the chiefs might direct. &c. In other words, to pay their debts with. We had much difficulty in reducing the amount insisted upon to the sum stated in the treaty. I have no doubt that there are many just claims upon these

Indians. The regular payment of their annuities was so long withheld that they were forced to depend to a great extent upon their traders. These claims they were all disposed to acknowledge, and insisted upon providing for their payment, and without the insertion of the provision referred to we could not have concluded the treaty.

I regret very much that we could not have purchased the whole country, and made the treaty in every particular within the limit of your instructions. But, this was absolutely impossible, and we were forced to the alternative of abandoning the attempt to treat or of making the concessions detailed in the treaty.

There are many points respecting which I should like much to make explanations, and for that purpose, and in order to make a satisfactory settlement of the accounts for treaty expenses, I respectfully request the privilege of attending at Washington at such time after making any other annuity payments as you may think proper.

Very respectfully, your obedient servant,

HENRY C. GILBERT,
Commissioner.

HON. GEORGE W. MANYPENNY,
Commissioner Indian Affairs, Washington, D. C.

Sen. Ex. Doc. No. 1, 33rd Cong., 2d Sess. (December 4, 1854) (Report Of The Commissioner Of Indian Affairs) (Excerpts)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0023

33D CONGRESS, 2d Session.) SENATE. (Ex. Doc. (No. 1.

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES
TO THE
TWO HOUSES OF CONGRESS,
AT THE
COMMENCEMENT OF THE SECOND SESSION
OF
THE THIRTY-THIRD CONGRESS.

DECEMBER 4, 1854. – Read, and ordered to be printed with the accompanying documents, and that 10,000 extra copies be printed for the use of the Senate.

PART I.

WASHINGTON:
BEVERLY TUCKER, SENATE PRINTER,
1854.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 25, 1854.

SIR: I submit for your consideration the usual annual report from this branch of the public service, referring to the accompanying reports of the different superintendents, agents, sub-agents, and other communications, for detailed information respecting the operations of the department and the condition of the various Indian tribes.

The remnants of the "Six Nations," remaining in the State of New York, present the interesting spectacle of one of the most renowned portions of the aboriginal race of this continent, still adhering with traditional tenacity and veneration to the homes of their forefathers. Subjected to many trying and adverse vicissitudes, by which their numbers and territorial possessions have been greatly diminished, this once barbarous and heathen people, devoted only to war and the chase, have undergone one gratifying change, and now generally acknowledge, and partially practise, the more ennobling and beneficial principles and pursuits of Christianity and civilization. Internal dissensions, alluded to in former reports, have materially interfered with their advancement and welfare; but these it is hoped will all soon cease, and never hereafter be renewed.

The peculiar and unfortunate situation of the Indians in the State of Michigan, consisting, mainly, of the confederated bands of Ottowas and Chippewas, was fully stated last year, and the measure deemed best for their preservation and welfare suggested. It is requisite that there be new conventional arrangements with them, providing for

material changes in their affairs, and in their relations with the United States and the State of Michigan. Such arrangements could not be effected without more or less expense; and, on the application of the department, the sum of ten thousand dollars was appropriated therefore by Congress. But in consequence of the late period at which the appropriation was made, and other circumstances, it has been deemed advisable to postpone further proceedings until the next year.

By the convention with the Menomonees of the 12th of May last, they relinquish their right to a large tract of country in Minnesota, west of the Mississippi river, set apart for their permanent home by the treaty of 1848, but which, proving to be unsuitable for that purpose, was therefore unacceptable to them. In exchange therefor, they were confirmed in the possession of a portion of the tract on the Wolf and Oconto rivers, in Wisconsin, which, with the assent of the authorities of that State, had been assigned for their use, and to which they had removed. The tract granted them by the treaty of 1848 was guarantied to contain not less than six hundred thousand acres: that secured to them by the convention of May last embraces only two hundred and seventy-six thousand four hundred and eighty acres, and is deemed to be more than ample for their comfortable accommodation. The lands retroceded by them, though not suitable for their purposes, will be equally valuable to the government, if not more so than those granted in exchange.

In consideration of the great difference in the quantities of the lands thus exchanged, and because it was believed that the consideration stipulated for the lands they had been induced to cede by the treaty of 1848 was

inadequate, in addition to the pecuniary and other beneficial provisions of that treaty which were continued to them, the sum of one hundred and fifty thousand dollars was stipulated to be paid in fifteen annual instalments, commencing with the year 1867, when the payments in fulfilment of the treaty of 1848 will expire. This consideration was increased by the Senate, in the additional sum of ninety-two thousand six hundred and eighty-six dollars; making the aggregate amount of two hundred and forty-two thousand six hundred and eighty-six dollars. Having thus been permanently and most liberally provided for, and all causes of discontent removed, it is hoped and believed that in a few years the Menomonees will exhibit some evidences of moral and social advancement.

The department has been perplexed and embarrassed by the refusal of that portion of the Stockbridge Indians, of Wisconsin, parties to the treaty of 1848, to accept the tract of land selected for them in accordance with that treaty, and to which selection they at one time gave their assent. They are, or pretend to be, anxious to remain where they now are, at Lake Winnebago; and individual members of the band have repeatedly visited this city to urge an arrangement to that effect. For reasons stated in my special report to you of the 25th ultimo, their application could not be granted. The only alternative seems to be to find them a suitable home within the limits of Wisconsin; and as they require but a very small tract, this can be accomplished without prejudice to the interests of the white population of the State. It should not be done, however, without making provision for all belonging to the band – those parties to the treaty of 1848, and those

who were not; including also their brethren, the Munsees, whose rights and interests were entirely disregarded in that treaty. It is much to be regretted that such an arrangement has not heretofore been effected; as the distracted condition of these Indians, and the uncertainty as to their future destination, have been of serious injury to them. A recent personal visit disclosed manifest evidences of a former state of advancement and prosperity far beyond what they now enjoy.

The only other Indians having territorial rights in Wisconsin are the band of Oneidas, who occupy a small reservation near Green Bay, and are so far advanced in civilization as to justify the presumption that, like the Brothertons, they will, at no distant day, dissolve their tribal organization and become citizens.

There are, however, within the limits of Wisconsin, and also within the northern peninsula of Michigan, a few small bands of the Chippewas of Lake Superior, who still occupy their former locations on lands ceded by the treaties of 1837 and 1842. It has not, thus far, been found necessary or practicable to remove them. They are very unwilling to relinquish their present residences, as are all the other bands of the same Indians; and it may be necessary to permit them all to remain, in order to acquire a cession of the large tract of country they still own east of the Mississippi, which, on account of its great mineral resources, it is an object of material importance to obtain. They would require but small reservations; and thus permanently settled, the efforts made for their improvement will be rendered more effectual.

The Chippewas who reside in Minnesota, west of the Mississippi, are not, it is understood, desirous of ceding any portion of their country west of that river; nor is such a cession at this time deemed absolutely necessary, so far as the wants of our citizens are immediately concerned; yet, in view of the rapid spread of population in that direction, and of the future interests of the Indians themselves, it is believed that an early opportunity should be embraced to circumscribe their limits, and to concentrate them upon permanent locations, as recommended for their brethren on the east side. There are also bands of Chippewa Indians residing in the region north of the headwaters of the Mississippi, who, from the imperfection of former treaties, do not participate in their benefits, and are therefore in a very destitute condition. Some arrangement should be made to secure to them the means of subsistence and improvement.

It having been found that the country proposed to be given to the Winnebagoes, by the agreement made with them last year, for an exchange of lands, would, in many respects, be an improper location for them, it was recommended by the department that the agreement should be so amended as to assign them a location on the southern branch of the Crow river, to include Red Cedar Island lake.

The amendment which was adopted by the Senate authorized the assignment of this location to them, or one further west, as might on examination be found most advisable. A reconnoissance of the country west having thus been rendered necessary, the arrangements for the permanent establishment of these Indians, unfortunately for them, have not yet been consummated.

The difficulties connected with our relations with the Sioux Indians of Minnesota were, a year ago, as explained in the last annual report, of a serious character, but they have happily been surmounted. Congress having, at its late session, confirmed to these Indians the reservations originally intended for them by the treaties of 1851, measures were promptly adopted for concentrating them thereon, and for commencing a system of operations calculated to domesticate and improve them.

During the past season articles of agreement and convention were concluded with the Omaha, Ottoe and Missouria, Sac and Fox of Missouri, Iowa, Kickapoo, Delaware, Shawnee, Kaskaskia, Peoria, Wea, Piankeshaw, and Miami Indians, all residing within the central superintendency, and in the newly organized Territories of Nebraska and Kansas. These tribes possessed lands bounded on the east by the western boundaries of the States of Missouri and Iowa, and lying between the parallels of 37° and 42° 40' north latitude, embracing, in the aggregate, nearly 15,000,000 of acres; all of which, with the ex-

* * *

Sen. Exec. No. 5, 33rd Cong., 2d Sess. (January 4, 1855)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0136

33D CONGRESS, *2d Session.*) CONFIDENTIAL. (EXECUTIVE. No. 5.

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING

A treaty with the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and headmen.

JANUARY 4, 1855. – Read, and, with treaty and documents, referred to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty made at La Pointe, Wisconsin, on the 30th September, 1854, by Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the chiefs and headmen of the Chippewas of Lake Superior and the Mississippi.

FRANKLIN PIERCE.

WASHINGTON, *December* 20, 1854.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, December 8, 1854.

SIR: I have the honor to transmit to you, to be submitted, should you concur, to the President of the United States, and if approved by him, for transmission to the Senate for its constitutional action thereon, "articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and headmen," on the 30th day of September last.

For explanations concerning these articles, I would refer you to the report of Commissioner Gilbert to this office, of the 17th October last, a copy of which is herewith.

After a careful consideration of them, the only provisions which, in my opinion, are seriously objectionable, are one in the fourth article, whereby it is provided that "the United States will also pay the further sum of ninety thousand dollars, as the chiefs, in open council may direct, to enable them to meet their present just engagements," and one in the twelfth article providing for the payment of ten thousand dollars in a similar manner.

There are understood to be provisions in favor of those making claims against individuals and bands of the tribe, and are in derogation of the policy of the government in this respect.

If these articles be in other respects approved by the executive, and should the President and Senate be of the

opinion that the provisions referred to could be so altered by resolution as to make the sums, just mentioned payable to the Indians as annuity, and it yet be unnecessary to return the articles to the Indians for their approval of the modification. I would respectfully recommend that such a modification be made as indicated.

If, however, the ingraiting of it would render the return of the articles to the Indians necessary, I would recommend the ratification of them as they are that the opportunity of securing the benefits otherwise to be derived through them to the United States and the Indians might not be lost; relying on the general control that would belong to the department in regard to the disposition of the amounts alluded to effect the application of them to such debts and claims as may be found meritorious; for there is reason to believe that however anxious the Indians might in fact be that this change should be made in the application of their money, their chiefs would be prevented, by the persuasion, intrigue, and improper influences of interested whites from agreeing to the same in due form in the occasion of the assembling of the Indians for such a purpose.

I am unable to state the exact number of acres of land to which the Chippewa claim will be extinguished in case the articles are ratified and approved. It is believed, however, that if the tract was accuratly surveyed, it would be found that it contains a greater number of acres than seven million one hundred and six thousand, which is the estimate of Commissioner Gilbert, as will be perceived by the copy of a letter recently received from him under date of the 10th [illegible] which is herewith.

I submit also for the information of the President and Senate a map of the region of country exhibiting the boundaries and location of the ceded tract, according to the best information in possession of this office; which, however, I would remark included in as fully complete and accurate.

Very respectfully your obedient servant.

GEO W. MANYPENNY,
Commissioner

HON. R. MCCLELLAND,
Secretary of the Interior

Rice To Manypenny (December 17, 1854)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0138

Chippewa R991
Hon. H.M. Rice
Washington Dec. 17, '54

Senate has passed House Bill appropriating $10,000 for Extinguishing Chippewa title to Lands in Minnesota etc. Recommends that some of the Chiefs be ordered on to Washington to treat with

Respectfully referred to the Secretary of the Interior for his consideration and direction.

Respectfully referred to the Commissioner of Indian Affairs who will act in the exercise of a sound discretion.
[sig. illegible]
red 20 Dec '54
see letter to Gov. Gorman
4 January 1855

Geo. Manypenny
Commissioner
Office of Ind. Affairs
Dec. 21, 1854

Washington Dec. 17th 1854

Sir,

Last week the Senate passed the House Bill appropriating ten thousand dollars for the purpose of Extinguishing the Chippewa title to lands claimed by them in

Minnesota etc. and for their "Domestication and Civilization". The interests of the Territory require that the treaties should be made at an early day – but above this humanity requires that those Indians should be placed in positions that will enable them to cultivate the soil and thus be saved from actual want and often [three words illegible] many from starvation. To attempt a treaty in their own country, would be attended with great expense – and with results not only disadvantageous to the Indians but to the Government. I would therefore recommend that the Department order on Hole-in-the-day and six of [his Chiefs], "Flat-mouth" (Chief of the Pillagers) and two of his Chiefs, and also two chiefs from Lake Winnepek. Those Indians own all the lands drained by the waters of the Mississippi a part of the lands on the Red river of the north (from its, source down) and also the lands situate north of the Mississippi and to the British possessions. They can be brought on at a small cost & the treaty can be made before the end of the present session of Congress.

Very respectfully
Your Obt. Servant
H.M. Rice

Hon: G.W. Manypenny
Com'r Ind. Affairs

Manypenny To Gorman (January 4, 1855)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0139

Geo Manypenny to Willis A. Gorman, 4 January 1855

On the receipt of this communciation, you will dispatch a messenger with all haste, to agent David B. Herrman, and direct him, if he will be able within the time elapsing between the reception of the instructions and the 10th proximo, to reach the City of Washington, that he will immediately set out for this City bringing with him "Hole in the Day" and six other principal chiefs of the Chippewa Indians of the Mississippi. If possible I desire him to bring also "Falt Mouth" and two other chiefs of the Pillagers and the principal and two other chiefs of the bands near Lake Winnipeg, but if the arrangements to bring them them on or any of them would delay him so that he could not reach here by the time specified, he will come with the chiefs of the Mississippi bands only. The deputation or deputations will of course be accompanied by the United States interpreter.

It will be desirable to have the general consent of the Indians in council to the proposed visit ~~resist~~, and to the individual chiefs selected as delegates. He will inform the Indians, that the President has been authorized and desires to enter into additional articles of convention with them respecting their claim to lands in Minnesota reserving of course, homes for them, making many stipulations that would be for their present comfort and advantage and their permanent welfare in the future, and it is for

this propose that he wishes the chiefs to come. Their expenses will of course be paid by the United States.

For the amount which he may adjudge requisite to defray the necessary expenses of their journey to this city, and a comfortable though economical outfit of clothing. The agent with your approval will draw on this office, provision having been made for these expenditures by an act of Congress, approved December 19th, 1854.

You will specially charge Agent Herriman, that if he will not be able to reach Washington by the day limited, viz February 10th he will not set out from the agency or in case he may have arrived at St. Paul on his way, and it should then appear to be impossible to reach here in time, he will, in that case not continue his journey but return.

Sen. Exec. No. 20, 33rd Cong., 2d Sess. (March 3, 1855)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0145

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES.

COMMUNICATING

A treaty made with the Mississippi, the Pillager, and the Lake Winnibigoshish bands of Chippewa Indians.

MARCH 3, 1855. – Read, and with treaty, &c., referred to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States.

I communicate to the Senate, herewith, for its constitutional action thereon, a treaty, made in this city on the 22d instant, between the United States and the Mississippi, the Pillager and Lake Winnibigoshish bands of Chippewa Indians.

FRANKLIN PIERCE.

WASHINGTON, *February* 27, 1855.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, FEBRUARY 27, 1855.

SIR: I have the honor to transmit to you, herewith, to be laid before the Senate for its constitutional action thereon, a treaty made and concluded in this city on the 22d day of February, instant, by George W. Manypenny, commissioner on the part of the United States, and the chiefs and delegates of the Mississippi, the Pillager and Lake Winnibigoshish bands of Chippewa Indians.

I am sir, very respectfully, your obedient servant,

R. McCLELLAND,
Secretary.

TO THE PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 23, 1855.

SIR: I have the honor to transmit, herewith, to be laid before the President, and, if deemed proper, to be submitted to the Senate for its constitutional action, certain articles of agreement and convention, concluded on yesterday with the Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians, in Minnesota, by which they cede and convey to the United States all the lands owned and claimed by them in that Territory, and whatever right or interest they may have in other lands in common with other Indians there or elsewhere.

Confidential No. 20 – 2

The quantity of land ceded, according to the boundaries defined in the first article, is estimated at from

eleven millions to fourteen millions of acres, besides which, those Indians (and especially the Pillager and Lake Winnibigoshish bands) have some right of interest in a large extent of other lands in common with other Indians in Minnesota, and which right or interest, as above stated, is also ceded to the United States.

The aggregate amount of the consideration stipulated to be paid in money and otherwise may be stated at about $1,300,000, which is to be in annual payments running through a period of thirty years, without interest.

With the exception of an unimportant arrangement with the Pillager and Lake Winnibigoshish bands, in 1847, which expired in 1853, those Indians have not been parties to or participants in the benefits of any treaty with the United States. Our Indian policy has not heretofore been extended to them, and they have suffered in consequence.

The Mississippi bands have, for some years, received small annuities.

The provision made in the recent treaty at La Point with the Chippewas of Lake Superior, for the settlement of the existing engagements or debts of those Indians, seems to justify those who have claims against the Mississippi and other bands, parties to this agreement in expecting something of the same kind; and the Indians have conversed with me on the subject very frankly, and with a surprising knowledge of their affairs. They appear to desire a class of persons who have resided among and dealt with them, to be, to some extent, provided for; they exclude from the arrangement all who traded with them in former years when furs and skins were abundant, and

when all their labor was turned over to their traders, and likewise those who have but recently gone into their country to trade, because it was expected that a treaty would soon be made. But such as have resided among and dealt with them since the game began to decline, and who have enabled them to sustain themselves in times of scarcity and necessity, by furnishing them with supplies on credit, are the class for whom, to a limited extent, provision was requested by the Indians, and designed to be made. Here appears to be, from the peculiarities of the case, a propriety in the provision, and the control given to the Secretary of the Interior of the whole subject will, it is believed, insure a faithful application of the money.

The annual payments in money proposed to be made to the Mississippi bands under these articles, are $20,000 for twenty years; per 3d article..	$20,000 00
Their share of the amounts payable annually, under the treaties of 1837 and 1842, for education, smith and smithshops, &c., &c., as per the 4th of these articles.....	3,400 00
[It is to be remarked that a part of the last sum ($3,400) will soon cease by limitation, and the balance thereof has not many years to run.]	
Total money payments.....	$23,400 00

This will make a per capita of about $10 annually to each individual of the Mississippi bands.

The manifestation of a laudable desire on the part of these bands to manage their own affairs, and the reasons ably presented by them for that policy, induced me to believe that it is proper, for the time being, to commit the management of their tribal and private affairs, in a large measure, to these bands, relying, in case of their not profiting by this confidence, on the provisions of the 5th article, authorizing the president when, in his opinion, their affairs require a different arrangement, "to cause the said annuities, instead of being paid over and distributed to the Indians, to be expended or applied to such purposes or objects as may be best calculated to promote their improvement and civilization."

The aggregate number of acres in all the Indian reservations provided for in the instrument is, as calculated by me, 440,000 acres, including land and water.

The lands to which it is proposed by the same instrument to extinguish the Indian title extend along both sides of the Mississippi river to, and including its sources, a distance of about three hundred miles, following the course of the stream, and a considerable portion of them are believed to be valuable for timber and for agricultural purposes.

Very respectfully, your obedient servant,

GEORGE W. MANNYPENNY,
Commissioner.

HON. R. MCCLELLAND
Secretary of the Interior.

Gorman To Manypenny (February 16, 1855)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0017

W. A. Gorman to COIA [Manypenny], February 16, 1855

I embrace the earliest opportunity to inform you of a difficulty that occurred between the Chippewa Indians and the lumbermen on the head of Rum River. A few days since, information of which has this day reached me.

It appears that some Indian of the Mille Lac band has been furnished with liquor whereupon a difficulty ensued between them and some lumbermen wherein one Chippewa and two white men were killed. This lumber camp is aobut one hundred miles from this city. The lumbermen are considerably alarmed on account of threats of violence made by the Indians and the Indians it seems are considerably excited also.

I have this moment dispatched a messenger and interpreter to the Indian village to hold a council with the head men, and instructed them to leave the lumber [1 word illegible] and remain quiet until I can have the matter investigated. It may be possible that I shall have to resort to the giving of some presents in provisions or blankets to ally their excitement and get from them a pledge of peace. If my messenger and interpreter should fail to reconcile them by such means. It may have to resort to placing some troops by the lumbermens camps to protect them in their lawful occupation. The lands occupied by the timbermen have been surveyed and sold by the United States and the Indians have no other treaty

interests except hunting and fishing and I do not think their land extends to the point at which our citizens are operating in the pineries, at least I am informed by the oldest citizens most familiar with the lines seperating the Indian ~~community~~ country from the ceded lands, that our citizens are seven miles south of the extreme southern line of the Indian boundary.

One year ago you will recollect that I informed you of a difficulty between these same Indians and lumbermen which I was enabled to compromise without any serious results having occurred.

I have instructed the messenger to observe the greatest ponderence and caution in his communication with the Indians.

I should be glad to hear immediately from the department on the subject, so as to be able to avail myself of any suggestion which it may be their pleasure to make

* * *